

CHAMBER ACTION

1 The Committee on Natural Resources recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Wekiva Study Area and the Wekiva  
7 Parkway; creating pt. III of ch. 369, F.S.; creating s.  
8 369.314, F.S.; providing a popular name; creating s.  
9 369.315, F.S.; providing legislative findings and intent;  
10 creating s. 369.316, F.S.; providing and fixing the  
11 boundaries of the Wekiva Study Area; creating s. 369.317,  
12 F.S.; defining the Wekiva Parkway; specifying guiding  
13 principles for construction of the parkway and location of  
14 interchanges; requiring acquisition of right-of-way prior  
15 to commencement of construction; requiring the Seminole  
16 County Expressway Authority, the Department of  
17 Transportation, and the Florida Turnpike Enterprise to  
18 locate the parkway corridor and interchanges in Seminole  
19 County consistent with the intent of the act; authorizing  
20 the Department of Transportation to acquire and exercise  
21 the power of eminent domain with regard to identified  
22 lands; providing purposes for the acquisition of certain  
23 lands; providing that title to lands acquired under s.

24 | 369.316, F.S., shall vest in the state; providing for  
25 | transfer of certain lands not needed for the parkway to  
26 | the Board of Trustees of the Internal Improvement Trust  
27 | Fund; providing for certain uses of said lands; requiring  
28 | cooperation and establishment of funding responsibilities  
29 | and partnerships between certain land-acquisition  
30 | entities; providing appropriations; creating s. 369.318,  
31 | F.S.; requiring certain studies relating to water quality  
32 | and wastewater treatment standards to be conducted by the  
33 | Department of Environmental Protection, the Department of  
34 | Health, and the Department of Agriculture and Consumer  
35 | Services; providing for rulemaking; requiring a report to  
36 | the Governor and the Department of Community Affairs;  
37 | requiring the St. Johns River Water Management District to  
38 | initiate rulemaking with regard to recharge criteria;  
39 | requiring the district to provide certain information and  
40 | establish certain goals with regard to Rock Springs,  
41 | Wekiwa Springs, and the Wekiva Study Area; creating s.  
42 | 369.319, F.S.; requiring local governments within the  
43 | Wekiva Study Area to develop a master stormwater  
44 | management plan and a water reuse and irrigation program;  
45 | creating s. 369.320, F.S.; requiring local governments in  
46 | specified areas to develop a wastewater facility plan;  
47 | creating s. 369.321, F.S.; requiring local governments to  
48 | amend their comprehensive plans for certain purposes and  
49 | specifying a date certain for implementation thereof;  
50 | creating s. 369.322, F.S.; providing for coordination of  
51 | land use and water supply within the Wekiva Study Area;

52 |       creating s. 369.323, F.S.; requiring the Department of  
 53 |       Community Affairs to review comprehensive plans and  
 54 |       amendments thereto for compliance; creating s. 369.324,  
 55 |       F.S.; creating the Wekiva River Basin Commission;  
 56 |       providing for membership, meetings, and duties; providing  
 57 |       that the East Central Florida Regional Planning Council,  
 58 |       in coordination with applicable regional and state  
 59 |       agencies, shall serve as a clearinghouse of baseline or  
 60 |       specialized studies; requiring a report to the Governor,  
 61 |       Legislature, and Department of Community Affairs; amending  
 62 |       s. 163.3184, F.S.; revising the definition of the term "in  
 63 |       compliance" to include the provisions of pt. III of ch.  
 64 |       369, F.S.; establishing a New Garden Coal mitigation bank;  
 65 |       providing legislative findings with respect thereto;  
 66 |       requiring certain lands to be included in the mitigation  
 67 |       service area; requiring the St. Johns River Water  
 68 |       Management District to make determinations regarding  
 69 |       permit applications for the establishment of the  
 70 |       mitigation bank; providing for future repeal of the act  
 71 |       under certain circumstances; providing an effective date.

72 |  
 73 |       WHEREAS, the Wekiva River System and its associated  
 74 |       springshed areas are of irreplaceable value to the quality of  
 75 |       life and the well-being of the people of the State of Florida,  
 76 |       and

77 |       WHEREAS, protection of the surface water and groundwater  
 78 |       resources, including recharge within the springshed that  
 79 |       provides for the Wekiva River System, is crucial to the long-

HB 849 CS

2004  
CS

80 term viability of the Wekiva River and Wekiwa Springs and the  
81 central Florida region's water supply, and

82 WHEREAS, construction of the Wekiva Parkway and other  
83 roadway improvements to the west of the Wekiva River System will  
84 add to the pressures for growth and development already  
85 affecting the surface water and groundwater resources within the  
86 recharge area, NOW, THEREFORE,

87

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

89

90 Section 1. Part III of chapter 369, Florida Statutes,  
91 consisting of sections 369.314, 369.315, 369.316, 369.317,  
92 369.318, 369.319, 369.320, 369.321, 369.322, 369.323, and  
93 369.324, Florida Statutes, is created to read:

94

PART III

95

WEKIVA STUDY AREA AND WEKIVA PARKWAY ACT

96

369.314 Popular name.--This act may be known by the  
97 popular name the "Wekiva Study Area and Wekiva Parkway Act."

98

369.315 Legislative findings and intent.--

99

(1) The Legislature finds that, in general, Florida  
100 springs, whether found in urban or rural settings, public parks,  
101 or private lands, are threatened by actual and potential flow  
102 reductions and declining water quality. As a result of climate  
103 patterns and population changes, over the past 30 years many of  
104 Florida's springs may have begun to exhibit signals of distress,  
105 including increasing nutrient loading and lowered water flow.  
106 The groundwater that feeds springs is recharged by seepage from  
107 the surface and through direct conduits such as sinkholes.

108        (2) The Legislature further finds that springs and  
 109 groundwater once damaged by overuse can be restored through good  
 110 stewardship, including effective planning strategies and best  
 111 management practices to preserve and protect springs and their  
 112 springsheds. Prudent land use planning decisions can protect and  
 113 improve the quality and quantity of springs and groundwater, as  
 114 well as the upland resources of springsheds. Managing land use  
 115 types and the allowable density and intensity of areas of  
 116 development, followed by specific site planning to further  
 117 minimize impacts, is an important goal.

118        (3) It is the intent of the Legislature that the  
 119 recommendations of the Wekiva River Basin Coordinating Committee  
 120 as stated in its final report dated March 16, 2004, be taken and  
 121 implemented to achieve the objective of improving and ensuring  
 122 protection of surface water and groundwater resources.  
 123 Coordination of local comprehensive plans and the regional water  
 124 supply plan is important for protection of water resources and  
 125 to promote the continuity of effective planning and development.

126        (4) It is not the intent of the Legislature to place an  
 127 undue burden on local governments within the Wekiva Study Area.

128        369.316 Wekiva Study Area.--The Wekiva Study Area shall  
 129 consist of a portion of Lake, Orange, and Seminole Counties,  
 130 Florida, being more particularly described as follows:

131  
 132        Begin at the northwest corner of Section 6, Township  
 133 18 South, Range 28 East, Lake County, Florida, said  
 134 corner lying on the north line of Township 18 South;  
 135 thence Easterly along said north line of Township 18

136 South to the northeast corner of Section 5, Township  
 137 18 South, Range 29 East; thence Southerly along the  
 138 east line of said Section 5 to the northeast corner of  
 139 Section 8, Township 18 South, Range 29 East; thence  
 140 Southerly along the east line of said Section 8 to the  
 141 northeast corner of Section 17, Township 18 South,  
 142 Range 29 East; thence Southerly along the east line of  
 143 said Section 17 to the northeast corner of Section 20,  
 144 Township 18 South, Range 29 East; thence Southerly  
 145 along the east line of said Section 20 to the  
 146 northeast corner of Section 29, Township 18 South,  
 147 Range 29 East; thence Southerly along the east line of  
 148 said Section 29 to the northeast corner of Section 32,  
 149 Township 18 South, Range 29 East; thence Southerly  
 150 along the east line of said Section 32 to the  
 151 southeast corner thereof, said corner lying on the  
 152 south line of Township 18 South; thence Easterly along  
 153 the south line of said Township 18 South to an  
 154 intersection with the east line of Range 29 East;  
 155 thence Southerly along the east line of said Range 29  
 156 East to the southeast corner of Section 24, Township  
 157 21 South, Range 29 East; thence Westerly along the  
 158 south line of said Section 24 to the southeast corner  
 159 of Section 23, Township 21 South, Range 29 East;  
 160 thence Westerly along the south line of said Section  
 161 23 to an intersection with the centerline of  
 162 Interstate Highway No. 4; thence generally Southerly  
 163 along the centerline of Interstate Highway No. 4 to an

164 | intersection with the south line of Section 13,  
 165 | Township 22 South, Range 29 East; thence Westerly  
 166 | along the south line of said Section 13 to the  
 167 | southeast corner of Section 14, Township 22 South,  
 168 | Range 29 East; thence Westerly along the south line of  
 169 | said Section 14 to the southeast corner of Section 15,  
 170 | Township 22 South, Range 29 East; thence Westerly  
 171 | along the south line of said Section 15 to the  
 172 | northeast corner of Section 21, Township 22 South,  
 173 | Range 29 East; thence Southerly along the east line of  
 174 | said Section 21 to an intersection with the centerline  
 175 | of State Road No. 50; thence Westerly along the  
 176 | centerline of said State Road No. 50 to the northeast  
 177 | corner of Section 30, Township 22 South, Range 28  
 178 | East; thence Southerly along the east line of said  
 179 | Section 30 to the northeast corner of Section 31,  
 180 | Township 22 South, Range 28 East; thence Southerly  
 181 | along the east line of said Section 31 to the  
 182 | southeast corner thereof, said corner lying on the  
 183 | south line of Township 22 South; thence Westerly along  
 184 | said south line of Township 22 South to the northeast  
 185 | corner of Section 2, Township 23 South, Range 27 East;  
 186 | thence Southerly along the east line of said Section 2  
 187 | to the northeast corner of Section 11, Township 23  
 188 | South, Range 27 East; thence Southerly along the east  
 189 | line of said Section 11 to the southeast corner  
 190 | thereof; thence Westerly along the south line of said  
 191 | Section 11 to the southeast corner of Section 10,

192 Township 23 South, Range 27 East; thence Westerly  
 193 along the south line of said Section 10 to the  
 194 southeast corner of Section 9, Township 23 South,  
 195 Range 27 East; thence Westerly along the south line of  
 196 said Section 9 to the southeast corner of Section 8,  
 197 Township 23 South, Range 27 East; thence Westerly  
 198 along the south line of said Section 8 to the  
 199 southeast corner of Section 7, Township 23 South,  
 200 Range 27 East; thence Westerly along the south line of  
 201 said Section 7 to the southwest corner thereof, said  
 202 corner lying on the line of demarcation between Orange  
 203 County and Lake County; thence generally Northerly and  
 204 along said county line to the northeast corner of  
 205 Section 12, Township 20 South, Range 26 East,  
 206 said corner lying on the east line of Range 26 East;  
 207 thence generally Northerly and along said east line of  
 208 Range 26 East to the southeast corner of Section 24,  
 209 Township 19 South, Range 26 East; thence Westerly  
 210 along the south line of said Section 24 to the  
 211 southeast corner of Section 23, Township 19 South,  
 212 Range 26 East; thence Westerly along the south line of  
 213 said Section 23 to the southwest corner thereof;  
 214 thence Northerly along the west line of said Section  
 215 23 to the southwest corner of Section 14, Township 19  
 216 South, Range 26 East; thence Northerly along the west  
 217 line of said Section 14 to the southwest corner of  
 218 Section 11, Township 19 South, Range 26 East; thence  
 219 generally Northeasterly to the southwest corner of



220 Section 1, Township 19 South, Range 26 East; thence  
 221 generally Northeasterly to the southwest corner of  
 222 Section 31, Township 18 South, Range 27 East; thence  
 223 generally Northeasterly to the southwest corner of  
 224 Section 29, Township 18 South, Range 27 East; thence  
 225 generally Northeasterly to the northwest corner of  
 226 Section 28, Township 18 South, Range 27 East; thence  
 227 Easterly along the north line of said Section 28 to  
 228 the northwest corner of Section 27, Township 18 South,  
 229 Range 27 East; thence Easterly along the north line of  
 230 said Section 27 to the northwest corner of Section 26,  
 231 Township 18 South, Range 27 East; thence Easterly  
 232 along the north line of said Section 26 to the  
 233 northwest corner of Section 25, Township 18 South,  
 234 Range 27 East; thence Easterly along the north line of  
 235 said Section 25 to an intersection with the west line  
 236 of Range 28 East; thence Northerly along the west line  
 237 of said Range 28 East to the northwest corner of  
 238 Section 6, Township 18 South, Range 28 East, and the  
 239 Point of Beginning.

240  
 241 369.317 Wekiva Parkway.--  
 242 (1) The "Wekiva Parkway" means a limited access highway or  
 243 expressway constructed between State Road 429 and Interstate 4  
 244 or State Road 417 specifically incorporating the corridor  
 245 alignment recommended by Recommendation 2 of the Wekiva River  
 246 Basin Area Task Force final report dated January 15, 2003.

247        (2) The following guiding principles shall be used for the  
 248 Wekiva Parkway design and construction:

249        (a) The expressway shall be a limited access expressway  
 250 with few interchanges and will not replace State Road 46 in Lake  
 251 County.

252        (b) Appropriate natural buffers shall be provided between  
 253 roadways and adjacent areas.

254        (c) The most current, environmentally sound, and practical  
 255 road construction techniques shall be used throughout  
 256 strategically important wetlands.

257        (d) Wildlife corridors with barriers to direct wildlife to  
 258 safe crossing points shall be provided.

259        (e) Stormwater treatment facilities shall minimize habitat  
 260 loss and promote restoration of impacted sites and ensure  
 261 capture and treatment of runoff from bridges over Outstanding  
 262 Florida Waters to meet Outstanding Florida Waters standards.

263        (f) Opportunities to view, understand, and access the  
 264 environmental uniqueness of the Wekiva River ecosystem shall be  
 265 provided where practical.

266        (g) Nonintrusive and minimal roadway and bridge lighting  
 267 in the Wekiva River Protection Area shall be provided to support  
 268 the conservation of dark skies in the Wekiva River Basin area.

269        (h) Safety and access design features shall be  
 270 incorporated to promote the continuation of prescribed burning  
 271 in the Wekiva River Basin area.

272        (3) The number of interchanges located along the Wekiva  
 273 Parkway shall not exceed five and shall be located as follows:

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

275        (b) U.S. Highway 441.

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

277        (d) State Road 46.

278        (e) Interstate 4 or State Road 417.

279        (4) The construction of the Wekiva Parkway or State Road  
 280 429 north of U.S. Highway 441 shall not commence until the  
 281 right-of-way for the Wekiva Parkway is acquired from State Road  
 282 46 in Lake County to Interstate 4 or State Road 417 in Seminole  
 283 County.

284        (5) In Seminole County, the Seminole County Expressway  
 285 Authority, the Department of Transportation, and the Florida  
 286 Turnpike Enterprise shall locate the precise corridor and  
 287 interchanges for the Wekiva Parkway consistent with the  
 288 legislative intent and other provisions of this act.

289        (6) The Department of Transportation is specifically  
 290 granted the authority to acquire and to exercise the power of  
 291 eminent domain to condemn all necessary lands, property, and all  
 292 interests in property identified herein, including fee-simple or  
 293 less-than-fee-simple interests, including, but not limited to,  
 294 all rights and interests set forth in s. 337.27(1). The lands  
 295 subject to this authority are identified in paragraph 10.a.,  
 296 State of Florida, Office of the Governor, Executive Order 03-112  
 297 of July 1, 2003, and in Task Force Recommendation 16 of the  
 298 Wekiva River Basin Area Task Force created by Executive Order  
 299 2002-259, such lands otherwise known as Neighborhood Lakes, a  
 300 1,587 +/- acre parcel located in Orange and Lake Counties within  
 301 Sections 27, 28, 33 and 34 of Township 19 South, Range 28 East,  
 302 and Sections 3, 4, 5 and 9 of Township 20 South, Range 28 East;

HB 849 CS

2004  
CS

303 Seminole Woods/Swamp, a 5,353.2 +/- acre parcel located in Lake  
 304 County within Section 37, Township 19 South, Range 28 East; New  
 305 Garden Coal, a 1,605 +/- acre parcel in Lake County within  
 306 Sections 23, 25, 26, 35 and 36, Township 19 South, Range 28  
 307 East; Pine Plantation, a 617 +/- acre tract consisting of eight  
 308 (8) individual parcels within the Apopka City limits. The  
 309 Department of Transportation shall act as the lead agency in the  
 310 acquisition of these properties, and the Department of  
 311 Environmental Protection, the Department of Community Affairs,  
 312 the St. John's River Water Management District, the Orlando-  
 313 Orange County Expressway Authority, and other land-acquisition  
 314 entities shall participate and cooperate in providing  
 315 information and support to the lead agency.

316 (a) Acquisition of the lands described in this section is  
 317 required to provide right-of-way for the Wekiva Parkway, a  
 318 limited access roadway linking State Road 429 to Interstate 4 or  
 319 State Road 417, an essential component in meeting regional  
 320 transportation needs to provide regional connectivity, improve  
 321 safety, accommodate projected population and economic growth,  
 322 and satisfy critical transportation requirements caused by  
 323 growth in traffic volume and increased travel demands.

324 (b) Acquisition of the lands described in this section is  
 325 also required to protect the surface water and groundwater  
 326 resources of Lake, Orange, and Seminole Counties, otherwise  
 327 known as the Wekiva Study Area, including recharge within the  
 328 springshed that provides for the Wekiva River system. Protection  
 329 of this area is crucial to the long-term viability of the Wekiva  
 330 River and Wekiwa Springs and the central Florida region's water

HB 849 CS

2004  
CS

331 supply. Acquisition of the lands described in s. 369.316 is also  
332 necessary to alleviate pressure for growth and development which  
333 could possibly affect the surface water and groundwater  
334 resources within the recharge area.

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

337 (d) Acquisition by the Department of Transportation of the  
338 lands described in s. 369.316 that are not needed for the Wekiva  
339 Parkway shall be transferred to the Board of Trustees of the  
340 Internal Improvement Trust Fund for management as conservation  
341 lands pursuant to ss. 253.034 and 259.032. However, the  
342 Department of Transportation is authorized to utilize such lands  
343 acquired with its own funds, or with acquisition services  
344 provided at its cost, on a pro rata basis to the total acreage  
345 acquired, as mitigation credits for potential future impacts  
346 associated with the Wekiva Parkway or other regionally  
347 significant roadways. With the exception of the transportation  
348 use for the Wekiva Parkway, uses of the property acquired shall  
349 be limited to traditional conservation uses appropriate for land  
350 acquisition for the Florida Forever program as created by s.  
351 259.105.

352 (7) The Department of Transportation, the Department of  
353 Environmental Protection, the St. Johns River Water Management  
354 District, the Orlando-Orange County Expressway Authority, and  
355 other land-acquisition entities shall cooperate and establish  
356 funding responsibilities and partnerships by agreement to the  
357 extent funds are available to the various entities. The  
358 Department of Transportation shall acquire land in accordance

HB 849 CS

2004  
CS

359 with this section to the extent funds are available from the  
 360 various funding partners but shall not be required nor assumed  
 361 to fund the land acquisition beyond the agreement and funding  
 362 provided by the various land-acquisition entities.

363 (8) For fiscal year 2004-2005, there is appropriated to  
 364 the Department of Community Affairs the sum of \$7,750,000 from  
 365 the General Revenue Fund to fund the cost to impacted cities of  
 366 comprehensive land use amendments, and \$4,000,000 to the  
 367 Department of Environmental Protection for the implementation of  
 368 wastewater collection facilities for the residential communities  
 369 in Seminole County on Wekiva Park Drive and in the Wekiva River  
 370 Oaks subdivision, and in Lake County in the residential  
 371 community known as Wekiva Falls east of and on Wekiva River  
 372 Road.

373 369.318 Studies; rulemaking.--

374 (1) The Department of Environmental Protection shall study  
 375 the efficacy and applicability of water quality and wastewater  
 376 treatment standards needed to achieve nitrogen reductions  
 377 protective of water quality within the Wekiva Study Area and  
 378 report to the Governor and the Department of Community Affairs  
 379 no later than December 1, 2004. Based on the December 2004  
 380 report, the Department of Environmental Protection shall, by  
 381 March 1, 2005, initiate rulemaking to achieve nitrogen  
 382 reductions protective of water quality or recommend legislation  
 383 that grants any additional statutory authority needed to  
 384 implement the report recommendations.

385 (2) The Department of Health, in coordination with the  
 386 Department of Environmental Protection, shall study the efficacy

HB 849 CS

2004  
CS

387 and applicability of onsite disposal system standards needed to  
 388 achieve nitrogen reductions protective of water quality within  
 389 the Wekiva Study Area and report to the Governor and the  
 390 Department of Community Affairs no later than December 1, 2004.  
 391 Based on the December 2004 report, the Department of Health  
 392 shall, by March 1, 2005, initiate rulemaking to achieve nitrogen  
 393 reductions protective of water quality or recommend legislation  
 394 that grants any additional statutory authority needed to  
 395 implement the report recommendations. The study shall consider:  
 396 (a) For new developments and any existing development  
 397 within the Wekiva River Protection Area using onsite disposal  
 398 systems, a more stringent level of wastewater treatment,  
 399 including the use of multiple tanks to combine aerobic and  
 400 anaerobic treatment to reduce the level of nitrates.  
 401 (b) The implementation of a septic tank maintenance and  
 402 inspection program that includes upgrading certain onsite  
 403 disposal systems permitted prior to 1982 to meet minimum  
 404 Department of Health standards, replacement of failing systems  
 405 and systems not meeting current standards, and providing funding  
 406 mechanisms for supporting a septic tank inspection and  
 407 maintenance program.  
 408 (3)(a) The St. Johns River Water Management District shall  
 409 initiate rulemaking to apply the recharge criteria set forth in  
 410 Rule 40C-41.063(3), Florida Administrative Code, to the most  
 411 effective recharge areas within the Wekiva Study Area. In  
 412 addition, the St. Johns River Water Management District shall,  
 413 in conjunction with the Department of Environmental Protection,  
 414 study the recharge volume conditions in the Wekiva Study Area

415 and make recommendations to implement new standards to provide  
 416 that postdevelopment recharge volume conditions approximate  
 417 predevelopment recharge volume conditions. By March 1, 2005, the  
 418 St. Johns River Water Management District shall initiate  
 419 rulemaking to implement new standards to provide that  
 420 postdevelopment recharge volume conditions approximate  
 421 predevelopment recharge volume conditions.

422 (b) By December 1, 2007, the St. Johns River Water  
 423 Management District shall update the minimum flows and levels  
 424 for Rock Springs and Wekiwa Springs. Further, the district shall  
 425 revise the consumptive use permit thresholds in the Wekiva Study  
 426 Area to address proposed water withdrawals above 50,000 gallons  
 427 per day. Revisions to the consumptive use thresholds shall  
 428 provide for a general permit, if possible, and include a  
 429 transition period that allows continued access to the water  
 430 supply for users that were not previously subject to the  
 431 permitting process.

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

437 (4) The Department of Agriculture and Consumer Services  
 438 shall be the lead agency in coordinating the reduction of  
 439 agricultural nonpoint sources of pollution. The Department of  
 440 Agriculture and Consumer Services shall study, and, if  
 441 necessary, initiate rulemaking to implement, new or revised best  
 442 management practices for improving and protecting water bodies,



HB 849 CS

2004  
CS

443 including those basins with impaired water bodies addressed by  
444 the Clean Water Act's Total Maximum Daily Loads Program.

445 369.319 Master stormwater management plan.--Each local  
446 government within the Wekiva Study Area shall develop a master  
447 stormwater management plan that assesses existing problems and  
448 deficiencies in the community, identifies projects to meet long-  
449 range needs, establishes priorities to address existing  
450 deficiencies, establishes measures to address redevelopment,  
451 establishes a schedule to complete needed improvements,  
452 evaluates the feasibility of stormwater reuse, and includes  
453 requirements for inspection and maintenance of facilities. The  
454 plan shall also identify a funding source, such as a stormwater  
455 utility fee, to fund implementation of the plan and maintenance  
456 program. In addition, the local government shall establish a  
457 water reuse and irrigation program that allows for reuse of  
458 stormwater to minimize pumpage of groundwater for nonpotable  
459 usage.

460 369.320 Wastewater facility plan.--Within joint planning  
461 areas and utility service areas where central wastewater systems  
462 are not readily available, local governments shall develop a  
463 wastewater facility plan. The facility plan shall include the  
464 delineation of areas within the utility service area that are to  
465 be served by central facilities within 5 years, a financially  
466 feasible schedule of improvements, an infrastructure work plan  
467 to build the facilities needed to implement the facility plan,  
468 including those needed to meet enhanced treatment standards  
469 adopted by the Department of Environmental Protection, and a  
470 phase-out of existing onsite septic tank systems where central

HB 849 CS

2004  
CS

471 facilities are available. The facility plan shall also include a  
472 long-range component that addresses service of the joint  
473 planning area or utility service area. In addition, local  
474 governments shall establish a water reuse program that allows  
475 for reuse of reclaimed water to minimize pumpage of groundwater  
476 for nonpotable usage. For those basins in which the Clean Water  
477 Act's Total Maximum Daily Loads Program requires reductions in  
478 point source pollutants or as required by legislation for  
479 enhanced treatment standards, local governments shall update  
480 their wastewater facility plans.

481 369.321 Comprehensive plan amendments.--

482 (1) By January 1, 2006, each local government within the  
483 Wekiva Study Area shall amend its local government comprehensive  
484 plan, including the capital improvements element, to include the  
485 following:

486 (a) An interchange land use plan for local governments  
487 within the boundaries of which an interchange is planned to be  
488 located. Each interchange land use plan shall address  
489 appropriate land uses and compatibility, secondary road access,  
490 access management, right-of-way protection, vegetation  
491 protection and water-conserving landscaping, and the height and  
492 appearance of structures and signage.

493 (b) The appropriate elements to ensure implementation of a  
494 master stormwater management plan.

495 (c) The appropriate elements to ensure implementation of a  
496 wastewater facility plan.

497 (d) Land use strategies that optimize open space and  
498 promote a pattern of development on a jurisdiction-wide basis

499 that protects the most effective recharge areas, karst features,  
 500 and sensitive natural habitats, including Sand Hill Scrub, Sand  
 501 Pine Scrub, and Xeric Oak Scrub. Such strategies shall recognize  
 502 property rights and the varying circumstances within the Wekiva  
 503 Study Area, including rural and urban land use patterns. Local  
 504 comprehensive plans shall map, using the best available data  
 505 from the St. Johns River Water Management District and the  
 506 Florida Fish and Wildlife Conservation Commission, the most  
 507 effective recharge areas and sensitive upland habitats for this  
 508 purpose. Land use strategies that optimize open space may  
 509 include, but are not limited to:

- 510 1. Coordinated greenway plans.
- 511 2. Dedication of conservation easements.
- 512 3. Land acquisition.
- 513 4. Clustering of development.
- 514 5. Density credits and density incentives that result in  
 515 permanent protection of open space.
- 516 6. An up-to-date 10-year water supply facility work plan  
 517 for building potable water facilities necessary to serve  
 518 existing and new developments and for which the local government  
 519 is responsible.

520 (2) Land use strategies adopted under this section should  
 521 encourage the use of planned development initiatives and  
 522 encourage economically sustainable growth.

523 (3) Comprehensive plans and comprehensive plan amendments  
 524 adopted by local governments to implement this section shall be  
 525 reviewed by the Department of Community Affairs pursuant to s.

HB 849 CS

2004  
CS

526 163.3184 and shall be exempt from the provisions of s.  
527 163.3187(1).

528 (4) By January 1, 2007, each local government located  
529 within the Wekiva Study Area shall adopt land development  
530 regulations to implement the comprehensive plan amendments  
531 required by this section.

532 (5) During the period prior to the adoption of the  
533 comprehensive plan amendments required by this act, any local  
534 comprehensive plan amendment adopted by a city or county that  
535 applies to land located within the Wekiva Study Area shall  
536 protect surface water and groundwater resources and be reviewed  
537 by the Department of Community Affairs, pursuant to Rule 9J-5,  
538 Florida Administrative Code, using the best available data,  
539 including the information presented to the Wekiva River Basin  
540 Coordinating Committee.

541 369.322 Coordination of land use and water supply within  
542 the Wekiva Study Area.--

543 (1) In their review of local government comprehensive plan  
544 amendments for property located within the Wekiva Study Area  
545 pursuant to s. 163.3184, the Department of Community Affairs and  
546 the St. Johns River Water Management District shall ensure that  
547 amendments that increase development potential demonstrate that  
548 adequate potable water consumptive use permit capacity is  
549 available.

550 (2) Local governments located within the Wekiva Study Area  
551 shall coordinate with the St. Johns River Water Management  
552 District and other public and private utilities, on a countywide  
553 or multi-countywide basis, to implement cooperative solutions

554 for development of alternative water sources necessary to  
 555 supplement groundwater supplies consistent with the St. Johns  
 556 River Water Management District Regional Water Supply Plan.

557 369.323 Compliance.--Comprehensive plans and comprehensive  
 558 plan amendments adopted by the local governments shall be  
 559 reviewed for compliance by the Department of Community Affairs.

560 369.324 Wekiva River Basin Commission.--

561 (1) The Wekiva River Basin Commission is created to  
 562 monitor and ensure the implementation of state, regional, and  
 563 local efforts with regard to the recommendations of the Wekiva  
 564 River Basin Coordinating Committee for the Wekiva Study Area.  
 565 The East Central Florida Regional Planning Council shall provide  
 566 staff support to the commission, and the Department of Community  
 567 Affairs shall provide funding assistance. The commission shall  
 568 be composed of a total of 19 members appointed by the Governor,  
 569 9 of whom shall be voting members and 10 of whom shall be ad hoc  
 570 nonvoting members.

571 (a) The voting members shall include:

572 1. One member of each of the Boards of County  
 573 Commissioners for Lake, Orange, and Seminole Counties.

574 2. One municipal elected official to serve as a  
 575 representative of the municipalities located within the study  
 576 area of Lake County.

577 3. One municipal elected official to serve as a  
 578 representative of the municipalities located within the study  
 579 area of Orange County.

580           4. One municipal elected official to serve as a  
 581 representative of the municipalities located within the study  
 582 area of Seminole County.

583           5. One citizen representing an environmental organization,  
 584 a conservation organization, or an agricultural entity, one  
 585 citizen representing a local property owner, and one at-large  
 586 citizen who shall serve as chair of the council.

587           (b) The ad hoc nonvoting members shall include one  
 588 representative from each of the following entities:

- 589           1. St. Johns River Water Management District.
- 590           2. Department of Community Affairs.
- 591           3. Department of Environmental Protection.
- 592           4. Department of Health.
- 593           5. Department of Agriculture and Consumer Services.
- 594           6. Florida Fish and Wildlife Conservation Commission.
- 595           7. Department of Transportation.
- 596           8. MetroPlan Orlando.
- 597           9. Orlando-Orange County Expressway Authority.
- 598           10. Seminole County Expressway Authority.

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

602           (3) Meetings of the commission shall be held in Lake  
 603 County, Orange County, or Seminole County at the call of the  
 604 chair; however, the commission shall meet at least twice a year.

605           (4) To assist the commission in its mission, the East  
 606 Central Florida Regional Planning Council, in coordination with  
 607 the applicable regional and state agencies, shall serve as a

608 clearinghouse of baseline or specialized studies through  
 609 modeling and simulation, including collecting and disseminating  
 610 data on the demographics, economics, and environment of the  
 611 Wekiva Study Area including the changing conditions of the  
 612 Wekiva River surface water and groundwater basin and associated  
 613 influence on the Wekiva River and Wekiwa Springs.

614 (5) The commission shall report annually, no later than  
 615 December 31, to the Governor, the President of the Senate, the  
 616 Speaker of the House of Representatives, and the Department of  
 617 Community Affairs on the progress of the implementation of the  
 618 recommendations of the Wekiva River Basin Coordinating  
 619 Committee.

620 Section 2. Paragraph (b) of subsection (1) of section  
 621 163.3184, Florida Statutes, is amended to read:

622 163.3184 Process for adoption of comprehensive plan or plan  
 623 amendment.--

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

625 (b) "In compliance" means consistent with the requirements  
 626 of ss. 163.3177, 163.31776, when a local government adopts an  
 627 educational facilities element, 163.3178, 163.3180, 163.3191,  
 628 and 163.3245, with the state comprehensive plan, with the  
 629 appropriate strategic regional policy plan, ~~and~~ with chapter 9J-  
 630 5, Florida Administrative Code, where such rule is not  
 631 inconsistent with this part and with the principles for guiding  
 632 development in designated areas of critical state concern, and  
 633 with part III of chapter 369 where applicable.

634 Section 3. New Garden Coal mitigation bank.--The  
 635 Legislature finds that establishing a mitigation bank under ss.

HB 849 CS

2004  
CS

636 373.4135 and 373.4136, Florida Statutes, on the New Garden Coal  
 637 property would preserve that property without expending limited  
 638 public funds, thereby freeing up such funds for the purpose of  
 639 acquiring other properties as specified in this act. The  
 640 Legislature further finds that such mitigation bank would  
 641 generate mitigation credits that may offset adverse impacts  
 642 associated with the construction of the Wekiva Parkway.  
 643 Therefore, the St. Johns River Water Management District shall  
 644 review and take final agency action on any new or pending permit  
 645 application to establish a mitigation bank on the New Garden  
 646 Coal property. The mitigation service area as defined in s.  
 647 373.4136(6), Florida Statutes, for any mitigation bank proposed  
 648 on the New Garden Coal property shall include, at a minimum, the  
 649 Wekiva Study Area described in s. 369.316, Florida Statutes. In  
 650 determining the number of mitigation credits to award any  
 651 mitigation bank proposed on the New Garden Coal property, the  
 652 St. Johns River Water Management District shall, in addition to  
 653 the factors set forth in s. 373.4136(4), Florida Statutes,  
 654 consider the ecological value generated by preserving the New  
 655 Garden Coal property without the use of public funds, thereby  
 656 freeing up such funds to acquire other lands as specified in  
 657 this act.

658 Section 4. This act shall be repealed July 1, 2009, unless  
 659 the purchase of the right-of-way for the Wekiva Parkway has been  
 660 completed.

661 Section 5. This act shall take effect upon becoming a law.