

CHAMBER ACTION

1 The Committee on Appropriations 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; creating s. 369.318, F.S.; requiring certain  
31 | studies relating to water quality and wastewater treatment  
32 | standards to be conducted by the Department of  
33 | Environmental Protection, the Department of Health, and  
34 | the Department of Agriculture and Consumer Services;  
35 | providing for rulemaking; requiring a report to the  
36 | 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; requiring the  
42 | Department of Environmental Protection to conduct a study  
43 | of the effect of septic tanks on specified waterways;  
44 | requiring a report to the Governor and Legislature;  
45 | creating s. 369.319, F.S.; requiring local governments  
46 | within the Wekiva Study Area to develop a master  
47 | stormwater management plan and a water reuse and  
48 | irrigation program; creating s. 369.320, F.S.; requiring  
49 | local governments in specified areas to develop a  
50 | wastewater facility plan; creating s. 369.321, F.S.;  
51 | requiring local governments to amend their comprehensive

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52 plans for certain purposes and specifying a date certain  
53 for implementation thereof; creating s. 369.322, F.S.;  
54 providing for coordination of land use and water supply  
55 within the Wekiva Study Area; creating s. 369.323, F.S.;  
56 requiring the Department of Community Affairs to review  
57 comprehensive plans and amendments thereto for compliance;  
58 creating s. 369.324, F.S.; creating the Wekiva River Basin  
59 Commission; providing for membership, meetings, and  
60 duties; providing that the East Central Florida Regional  
61 Planning Council, in coordination with applicable regional  
62 and state agencies, shall serve as a clearinghouse of  
63 baseline or specialized studies; requiring a report to the  
64 Governor, Legislature, and Department of Community  
65 Affairs; amending s. 163.3184, F.S.; revising the  
66 definition of the term "in compliance" to include the  
67 provisions of pt. III of ch. 369, F.S.; establishing a New  
68 Garden Coal mitigation bank; providing legislative  
69 findings with respect thereto; requiring certain lands to  
70 be included in the mitigation service area; requiring the  
71 St. Johns River Water Management District to make  
72 determinations regarding permit applications for the  
73 establishment of the mitigation bank; providing an  
74 effective date.

75  
76 WHEREAS, the Wekiva River System and its associated  
77 springshed areas are of irreplaceable value to the quality of  
78 life and the well-being of the people of the State of Florida,  
79 and

80 WHEREAS, protection of the surface water and groundwater  
 81 resources, including recharge within the springshed that  
 82 provides for the Wekiva River System, is crucial to the long-  
 83 term viability of the Wekiva River and Wekiwa Springs and the  
 84 central Florida region's water supply, and

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

90  
 91 Be It Enacted by the Legislature of the State of Florida:

92  
 93 Section 1. Part III of chapter 369, Florida Statutes,  
 94 consisting of sections 369.314, 369.315, 369.316, 369.317,  
 95 369.318, 369.319, 369.320, 369.321, 369.322, 369.323, and  
 96 369.324, Florida Statutes, is created to read:

97 PART III

98 WEKIVA STUDY AREA AND WEKIVA PARKWAY ACT

99 369.314 Popular name.--This part may be known by the  
 100 popular name the "Wekiva Study Area and Wekiva Parkway Act."

101 369.315 Legislative findings and intent.--

102 (1) The Legislature finds that, in general, Florida  
 103 springs, whether found in urban or rural settings, public parks,  
 104 or private lands, are threatened by actual and potential flow  
 105 reductions and declining water quality. As a result of climate  
 106 patterns and population changes, over the past 30 years many of  
 107 Florida's springs may have begun to exhibit signals of distress,

108 including increasing nutrient loading and lowered water flow.  
 109 The groundwater that feeds springs is recharged by seepage from  
 110 the surface and through direct conduits such as sinkholes.

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

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

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

131 369.316 Wekiva Study Area.--The Wekiva Study Area shall  
 132 consist of a portion of Lake, Orange, and Seminole Counties,  
 133 Florida, being more particularly described as follows:

134

135 Begin at the northwest corner of Section 6, Township  
 136 18 South, Range 28 East, Lake County, Florida, said  
 137 corner lying on the north line of Township 18 South;  
 138 thence Easterly along said north line of Township 18  
 139 South to the northeast corner of Section 5, Township  
 140 18 South, Range 29 East; thence Southerly along the  
 141 east line of said Section 5 to the northeast corner of  
 142 Section 8, Township 18 South, Range 29 East; thence  
 143 Southerly along the east line of said Section 8 to the  
 144 northeast corner of Section 17, Township 18 South,  
 145 Range 29 East; thence Southerly along the east line of  
 146 said Section 17 to the northeast corner of Section 20,  
 147 Township 18 South, Range 29 East; thence Southerly  
 148 along the east line of said Section 20 to the  
 149 northeast corner of Section 29, Township 18 South,  
 150 Range 29 East; thence Southerly along the east line of  
 151 said Section 29 to the northeast corner of Section 32,  
 152 Township 18 South, Range 29 East; thence Southerly  
 153 along the east line of said Section 32 to the  
 154 southeast corner thereof, said corner lying on the  
 155 south line of Township 18 South; thence Easterly along  
 156 the south line of said Township 18 South to an  
 157 intersection with the east line of Range 29 East;  
 158 thence Southerly along the east line of said Range 29  
 159 East to the southeast corner of Section 24, Township  
 160 21 South, Range 29 East; thence Westerly along the  
 161 south line of said Section 24 to the southeast corner  
 162 of Section 23, Township 21 South, Range 29 East;

163 thence Westerly along the south line of said Section  
 164 23 to an intersection with the centerline of  
 165 Interstate Highway No. 4; thence generally Southerly  
 166 along the centerline of Interstate Highway No. 4 to an  
 167 intersection with the south line of Section 13,  
 168 Township 22 South, Range 29 East; thence Westerly  
 169 along the south line of said Section 13 to the  
 170 southeast corner of Section 14, Township 22 South,  
 171 Range 29 East; thence Westerly along the south line of  
 172 said Section 14 to the southeast corner of Section 15,  
 173 Township 22 South, Range 29 East; thence Westerly  
 174 along the south line of said Section 15 to the  
 175 northeast corner of Section 21, Township 22 South,  
 176 Range 29 East; thence Southerly along the east line of  
 177 said Section 21 to an intersection with the centerline  
 178 of State Road No. 50; thence Westerly along the  
 179 centerline of said State Road No. 50 to the northeast  
 180 corner of Section 30, Township 22 South, Range 28  
 181 East; thence Southerly along the east line of said  
 182 Section 30 to the northeast corner of Section 31,  
 183 Township 22 South, Range 28 East; thence Southerly  
 184 along the east line of said Section 31 to the  
 185 southeast corner thereof, said corner lying on the  
 186 south line of Township 22 South; thence Westerly along  
 187 said south line of Township 22 South to the northeast  
 188 corner of Section 2, Township 23 South, Range 27 East;  
 189 thence Southerly along the east line of said Section 2  
 190 to the northeast corner of Section 11, Township 23

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



219 South, Range 26 East; thence Northerly along the west  
 220 line of said Section 14 to the southwest corner of  
 221 Section 11, Township 19 South, Range 26 East; thence  
 222 generally Northeasterly to the southwest corner of  
 223 Section 1, Township 19 South, Range 26 East; thence  
 224 generally Northeasterly to the southwest corner of  
 225 Section 31, Township 18 South, Range 27 East; thence  
 226 generally Northeasterly to the southwest corner of  
 227 Section 29, Township 18 South, Range 27 East; thence  
 228 generally Northeasterly to the northwest corner of  
 229 Section 28, Township 18 South, Range 27 East; thence  
 230 Easterly along the north line of said Section 28 to  
 231 the northwest corner of Section 27, Township 18 South,  
 232 Range 27 East; thence Easterly along the north line of  
 233 said Section 27 to the northwest corner of Section 26,  
 234 Township 18 South, Range 27 East; thence Easterly  
 235 along the north line of said Section 26 to the  
 236 northwest corner of Section 25, Township 18 South,  
 237 Range 27 East; thence Easterly along the north line of  
 238 said Section 25 to an intersection with the west line  
 239 of Range 28 East; thence Northerly along the west line  
 240 of said Range 28 East to the northwest corner of  
 241 Section 6, Township 18 South, Range 28 East, and the  
 242 Point of Beginning.

243  
 244 369.317 Wekiva Parkway.--

245 (1) The "Wekiva Parkway" means a limited access highway or  
 246 expressway constructed between State Road 429 and Interstate 4

247 or State Road 417 specifically incorporating the corridor  
 248 alignment recommended by Recommendation 2 of the Wekiva River  
 249 Basin Area Task Force final report dated January 15, 2003.

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

252 (a) The expressway shall be a limited access expressway  
 253 with few interchanges and will not replace State Road 46 in Lake  
 254 County.

255 (b) Appropriate natural buffers shall be provided between  
 256 roadways and adjacent areas.

257 (c) The most current, environmentally sound, and practical  
 258 road construction techniques shall be used throughout  
 259 strategically important wetlands.

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

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

266 (f) Opportunities to view, understand, and access the  
 267 environmental uniqueness of the Wekiva River ecosystem shall be  
 268 provided where practical.

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

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

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

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

278 (b) U.S. Highway 441.

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

280 (d) State Road 46.

281 (e) Interstate 4 or State Road 417.

282 (4) The construction of the Wekiva Parkway or State Road  
 283 429 north of U.S. Highway 441 shall not commence until the  
 284 right-of-way for the Wekiva Parkway is acquired from State Road  
 285 46 in Lake County to Interstate 4 or State Road 417 in Seminole  
 286 County and the properties identified in subsection (6) as  
 287 Neighborhood Lakes, Pine Plantation, and New Garden Coal are  
 288 acquired or are approved as mitigation bank land as described  
 289 for the New Garden Coal property in section 3.

290 (5) In Seminole County, the Seminole County Expressway  
 291 Authority, the Department of Transportation, and the Florida  
 292 Turnpike Enterprise shall locate the precise corridor and  
 293 interchanges for the Wekiva Parkway consistent with the  
 294 legislative intent and other provisions of this part.

295 (6) The Department of Transportation is specifically  
 296 granted the authority to acquire and to exercise the power of  
 297 eminent domain to condemn all necessary lands, property, and all  
 298 interests in property identified herein, including fee-simple or  
 299 less-than-fee-simple interests, including, but not limited to,  
 300 all rights and interests set forth in s. 337.27(1). The lands  
 301 subject to this authority are identified in paragraph 10.a.,  
 302 State of Florida, Office of the Governor, Executive Order 03-112

303 | of July 1, 2003, and in Task Force Recommendation 16 of the  
 304 | Wekiva River Basin Area Task Force created by Executive Order  
 305 | 2002-259, such lands otherwise known as Neighborhood Lakes, a  
 306 | 1,587 +/- acre parcel located in Orange and Lake Counties within  
 307 | Sections 27, 28, 33 and 34 of Township 19 South, Range 28 East,  
 308 | and Sections 3, 4, 5 and 9 of Township 20 South, Range 28 East;  
 309 | Seminole Woods/Swamp, a 5,353.2 +/- acre parcel located in Lake  
 310 | County within Section 37, Township 19 South, Range 28 East; New  
 311 | Garden Coal, a 1,605 +/- acre parcel in Lake County within  
 312 | Sections 23, 25, 26, 35 and 36, Township 19 South, Range 28  
 313 | East; Pine Plantation, a 617 +/- acre tract consisting of eight  
 314 | (8) individual parcels within the Apopka City limits. The  
 315 | Department of Transportation shall act as the lead agency in the  
 316 | acquisition of these properties, and the Department of  
 317 | Environmental Protection, the Department of Community Affairs,  
 318 | the St. Johns River Water Management District, the Orlando-  
 319 | Orange County Expressway Authority, and other land-acquisition  
 320 | entities shall participate and cooperate in providing  
 321 | information and support to the lead agency.

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

330        (b) Acquisition of the lands described in this section is  
 331 also required to protect the surface water and groundwater  
 332 resources of Lake, Orange, and Seminole Counties, otherwise  
 333 known as the Wekiva Study Area, including recharge within the  
 334 springshed that provides for the Wekiva River system. Protection  
 335 of this area is crucial to the long-term viability of the Wekiva  
 336 River and Wekiwa Springs and the central Florida region's water  
 337 supply. Acquisition of the lands described in s. 369.316 is also  
 338 necessary to alleviate pressure for growth and development which  
 339 could possibly affect the surface water and groundwater  
 340 resources within the recharge area.

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

343        (d) Acquisition by the Department of Transportation of the  
 344 lands described in s. 369.316 that are not needed for the Wekiva  
 345 Parkway shall be transferred to the Board of Trustees of the  
 346 Internal Improvement Trust Fund for management as conservation  
 347 lands pursuant to ss. 253.034 and 259.032. However, the  
 348 Department of Transportation is authorized to utilize such lands  
 349 acquired with its own funds, or with acquisition services  
 350 provided at its cost, on a pro rata basis to the total acreage  
 351 acquired, as mitigation credits for potential future impacts  
 352 associated with the Wekiva Parkway or other regionally  
 353 significant roadways. With the exception of the transportation  
 354 use for the Wekiva Parkway, uses of the property acquired shall  
 355 be limited to traditional conservation uses appropriate for land  
 356 acquisition for the Florida Forever program as created by s.  
 357 259.105.

358       (7) The Department of Transportation, the Department of  
 359 Environmental Protection, the St. Johns River Water Management  
 360 District, the Orlando-Orange County Expressway Authority, and  
 361 other land-acquisition entities shall cooperate and establish  
 362 funding responsibilities and partnerships by agreement to the  
 363 extent funds are available to the various entities. The  
 364 Department of Transportation shall acquire land in accordance  
 365 with this section to the extent funds are available from the  
 366 various funding partners but shall not be required nor assumed  
 367 to fund the land acquisition beyond the agreement and funding  
 368 provided by the various land-acquisition entities.

369       369.318 Studies; rulemaking.--

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

381       (2) The Department of Health, in coordination with the  
 382 Department of Environmental Protection, shall study the efficacy  
 383 and applicability of onsite disposal system standards needed to  
 384 achieve nitrogen reductions protective of water quality within  
 385 the Wekiva Study Area and report to the Governor and the

386 Department of Community Affairs no later than December 1, 2004.  
 387 Based on the December 2004 report, the Department of Health  
 388 shall, by March 1, 2005, initiate rulemaking to achieve nitrogen  
 389 reductions protective of water quality or recommend legislation  
 390 that grants any additional statutory authority needed to  
 391 implement the report recommendations. The study shall consider:

392 (a) For new developments and any existing development  
 393 within the Wekiva River Protection Area using onsite disposal  
 394 systems, a more stringent level of wastewater treatment,  
 395 including the use of multiple tanks to combine aerobic and  
 396 anaerobic treatment to reduce the level of nitrates.

397 (b) The implementation of a septic tank maintenance and  
 398 inspection program that includes upgrading certain onsite  
 399 disposal systems permitted prior to 1982 to meet minimum  
 400 Department of Health standards, replacement of failing systems  
 401 and systems not meeting current standards, and providing funding  
 402 mechanisms for supporting a septic tank inspection and  
 403 maintenance program.

404 (3)(a) The St. Johns River Water Management District shall  
 405 initiate rulemaking to apply the recharge criteria set forth in  
 406 Rule 40C-41.063(3), Florida Administrative Code, to the most  
 407 effective recharge areas within the Wekiva Study Area. In  
 408 addition, the St. Johns River Water Management District shall,  
 409 in conjunction with the Department of Environmental Protection,  
 410 study the recharge volume conditions in the Wekiva Study Area  
 411 and make recommendations to implement new standards to provide  
 412 that postdevelopment recharge volume conditions approximate  
 413 predevelopment recharge volume conditions. By March 1, 2005, the

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414 St. Johns River Water Management District shall initiate  
415 rulemaking to implement new standards to provide that  
416 postdevelopment recharge volume conditions approximate  
417 predevelopment recharge volume conditions.

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

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

433 (4) The Department of Agriculture and Consumer Services  
434 shall be the lead agency in coordinating the reduction of  
435 agricultural nonpoint sources of pollution. The Department of  
436 Agriculture and Consumer Services shall study, and, if  
437 necessary, initiate rulemaking to implement, new or revised best  
438 management practices for improving and protecting water bodies,  
439 including those basins with impaired water bodies addressed by  
440 the Clean Water Act's Total Maximum Daily Loads Program.



441       (5) The Department of Environmental Protection shall study  
 442 the effect of septic tanks on nitrogen levels in the Wekiva  
 443 River and springs located near or within the Wekiva State Park.  
 444 The Department of Environmental Protection shall submit a report  
 445 to the Governor regarding the results of the study by December  
 446 31, 2005, and recommend whether the removal of septic tanks from  
 447 that area is environmentally necessary and economically sound.

448       (6) The Department of Environmental Protection shall study  
 449 the effect of septic tanks on nitrogen levels in the Wekiva  
 450 River between the Wekiva Falls resort and the St. Johns River.  
 451 The Department of Environmental Protection shall submit a report  
 452 to the President of the Senate and the Speaker of the House of  
 453 Representatives regarding the results of the study by December  
 454 31, 2005, and recommend whether the removal of septic tanks from  
 455 that area is environmentally necessary and economically sound.

456       369.319 Master stormwater management plan.--Each local  
 457 government within the Wekiva Study Area shall develop a master  
 458 stormwater management plan that assesses existing problems and  
 459 deficiencies in the community, identifies projects to meet long-  
 460 range needs, establishes priorities to address existing  
 461 deficiencies, establishes measures to address redevelopment,  
 462 establishes a schedule to complete needed improvements,  
 463 evaluates the feasibility of stormwater reuse, and includes  
 464 requirements for inspection and maintenance of facilities. The  
 465 plan shall also identify a funding source, such as a stormwater  
 466 utility fee, to fund implementation of the plan and maintenance  
 467 program. In addition, the local government shall establish a  
 468 water reuse and irrigation program that allows for reuse of

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469 stormwater to minimize pumpage of groundwater for nonpotable  
470 usage.

471 369.320 Wastewater facility plan.--Within joint planning  
472 areas and utility service areas where central wastewater systems  
473 are not readily available, local governments shall develop a  
474 wastewater facility plan. The facility plan shall include the  
475 delineation of areas within the utility service area that are to  
476 be served by central facilities within 5 years, a financially  
477 feasible schedule of improvements, an infrastructure work plan  
478 to build the facilities needed to implement the facility plan,  
479 including those needed to meet enhanced treatment standards  
480 adopted by the Department of Environmental Protection, and a  
481 phase-out of existing onsite septic tank systems where central  
482 facilities are available. The facility plan shall also include a  
483 long-range component that addresses service of the joint  
484 planning area or utility service area. In addition, local  
485 governments shall establish a water reuse program that allows  
486 for reuse of reclaimed water to minimize pumpage of groundwater  
487 for nonpotable usage. For those basins in which the Clean Water  
488 Act's Total Maximum Daily Loads Program requires reductions in  
489 point source pollutants or as required by legislation for  
490 enhanced treatment standards, local governments shall update  
491 their wastewater facility plans.

492 369.321 Comprehensive plan amendments.--

493 (1) By January 1, 2006, each local government within the  
494 Wekiva Study Area shall amend its local government comprehensive  
495 plan, including the capital improvements element, to include the  
496 following:

497        (a) An interchange land use plan for local governments  
498 within the boundaries of which an interchange is planned to be  
499 located. Each interchange land use plan shall address  
500 appropriate land uses and compatibility, secondary road access,  
501 access management, right-of-way protection, vegetation  
502 protection and water-conserving landscaping, and the height and  
503 appearance of structures and signage.

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

506        (c) The appropriate elements to ensure implementation of a  
507 wastewater facility plan.

508        (d) Land use strategies that optimize open space and  
509 promote a pattern of development on a jurisdiction-wide basis  
510 that protects the most effective recharge areas, karst features,  
511 and sensitive natural habitats, including Sand Hill Scrub, Sand  
512 Pine Scrub, and Xeric Oak Scrub. Such strategies shall recognize  
513 property rights and the varying circumstances within the Wekiva  
514 Study Area, including rural and urban land use patterns. Local  
515 comprehensive plans shall map, using the best available data  
516 from the St. Johns River Water Management District and the  
517 Florida Fish and Wildlife Conservation Commission, the most  
518 effective recharge areas and sensitive upland habitats for this  
519 purpose. Land use strategies that optimize open space may  
520 include, but are not limited to:

- 521            1. Coordinated greenway plans.
- 522            2. Dedication of conservation easements.
- 523            3. Land acquisition.
- 524            4. Clustering of development.

525       5. Density credits and density incentives that result in  
 526 permanent protection of open space.

527       6. An up-to-date 10-year water supply facility work plan  
 528 for building potable water facilities necessary to serve  
 529 existing and new developments and for which the local government  
 530 is responsible.

531       (2) Land use strategies adopted under this section should  
 532 encourage the use of planned development initiatives and  
 533 encourage economically sustainable growth.

534       (3) Comprehensive plans and comprehensive plan amendments  
 535 adopted by local governments to implement this section shall be  
 536 reviewed by the Department of Community Affairs pursuant to s.  
 537 163.3184 and shall be exempt from the provisions of s.  
 538 163.3187(1).

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

543       (5) During the period prior to the adoption of the  
 544 comprehensive plan amendments required by this section, any  
 545 local comprehensive plan amendment adopted by a city or county  
 546 that applies to land located within the Wekiva Study Area shall  
 547 protect surface water and groundwater resources and be reviewed  
 548 by the Department of Community Affairs, pursuant to Rule 9J-5,  
 549 Florida Administrative Code, using the best available data,  
 550 including the information presented to the Wekiva River Basin  
 551 Coordinating Committee.

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552        369.322 Coordination of land use and water supply within  
553 the Wekiva Study Area.--

554        (1) In their review of local government comprehensive plan  
555 amendments for property located within the Wekiva Study Area  
556 pursuant to s. 163.3184, the Department of Community Affairs and  
557 the St. Johns River Water Management District shall ensure that  
558 amendments that increase development potential demonstrate that  
559 adequate potable water consumptive use permit capacity is  
560 available.

561        (2) Local governments located within the Wekiva Study Area  
562 shall coordinate with the St. Johns River Water Management  
563 District and other public and private utilities, on a countywide  
564 or multi-countywide basis, to implement cooperative solutions  
565 for development of alternative water sources necessary to  
566 supplement groundwater supplies consistent with the St. Johns  
567 River Water Management District Regional Water Supply Plan.

568        369.323 Compliance.--Comprehensive plans and comprehensive  
569 plan amendments adopted by the local governments shall be  
570 reviewed for compliance by the Department of Community Affairs.

571        369.324 Wekiva River Basin Commission.--

572        (1) The Wekiva River Basin Commission is created to  
573 monitor and ensure the implementation of state, regional, and  
574 local efforts with regard to the recommendations of the Wekiva  
575 River Basin Coordinating Committee for the Wekiva Study Area.  
576 The East Central Florida Regional Planning Council shall provide  
577 staff support to the commission, and the Department of Community  
578 Affairs shall provide funding assistance. The commission shall  
579 be composed of a total of 19 members appointed by the Governor,

580 9 of whom shall be voting members and 10 of whom shall be ad hoc  
 581 nonvoting members.

582 (a) The voting members shall include:

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

585 2. One municipal elected official to serve as a  
 586 representative of the municipalities located within the study  
 587 area of Lake County.

588 3. One municipal elected official to serve as a  
 589 representative of the municipalities located within the study  
 590 area of Orange County.

591 4. One municipal elected official to serve as a  
 592 representative of the municipalities located within the study  
 593 area of Seminole County.

594 5. One citizen representing an environmental organization,  
 595 a conservation organization, or an agricultural entity, one  
 596 citizen representing a local property owner, and one at-large  
 597 citizen who shall serve as chair of the council.

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

600 1. St. Johns River Water Management District.

601 2. Department of Community Affairs.

602 3. Department of Environmental Protection.

603 4. Department of Health.

604 5. Department of Agriculture and Consumer Services.

605 6. Florida Fish and Wildlife Conservation Commission.

606 7. Department of Transportation.

607 8. MetroPlan Orlando.

- 608       9. Orlando-Orange County Expressway Authority.
- 609       10. Seminole County Expressway Authority.
- 610       (2) Voting members shall serve 3-year, staggered terms and  
 611 shall serve without compensation but shall serve at the expense  
 612 of the entity they represent.
- 613       (3) Meetings of the commission shall be held in Lake  
 614 County, Orange County, or Seminole County at the call of the  
 615 chair; however, the commission shall meet at least twice a year.
- 616       (4) To assist the commission in its mission, the East  
 617 Central Florida Regional Planning Council, in coordination with  
 618 the applicable regional and state agencies, shall serve as a  
 619 clearinghouse of baseline or specialized studies through  
 620 modeling and simulation, including collecting and disseminating  
 621 data on the demographics, economics, and environment of the  
 622 Wekiva Study Area including the changing conditions of the  
 623 Wekiva River surface water and groundwater basin and associated  
 624 influence on the Wekiva River and Wekiwa Springs.
- 625       (5) The commission shall report annually, no later than  
 626 December 31, to the Governor, the President of the Senate, the  
 627 Speaker of the House of Representatives, and the Department of  
 628 Community Affairs on the progress of the implementation of the  
 629 recommendations of the Wekiva River Basin Coordinating  
 630 Committee.

631       Section 2. Paragraph (b) of subsection (1) of section  
 632 163.3184, Florida Statutes, is amended to read:

633       163.3184 Process for adoption of comprehensive plan or plan  
 634 amendment.--

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

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636 (b) "In compliance" means consistent with the requirements  
637 of ss. 163.3177, 163.31776, when a local government adopts an  
638 educational facilities element, 163.3178, 163.3180, 163.3191,  
639 and 163.3245, with the state comprehensive plan, with the  
640 appropriate strategic regional policy plan, ~~and~~ with chapter 9J-  
641 5, Florida Administrative Code, where such rule is not  
642 inconsistent with this part and with the principles for guiding  
643 development in designated areas of critical state concern, and  
644 with part III of chapter 369 where applicable.

645 Section 3. New Garden Coal mitigation bank.--The  
646 Legislature finds that establishing a mitigation bank under ss.  
647 373.4135 and 373.4136, Florida Statutes, on the New Garden Coal  
648 property would preserve that property without expending limited  
649 public funds, thereby freeing up such funds for the purpose of  
650 acquiring other properties as specified in this act. The  
651 Legislature further finds that such mitigation bank would  
652 generate mitigation credits that may offset adverse impacts  
653 associated with the construction of the Wekiva Parkway.  
654 Therefore, the St. Johns River Water Management District shall  
655 review and take final agency action on any new or pending permit  
656 application to establish a mitigation bank on the New Garden  
657 Coal property. The mitigation service area as defined in s.  
658 373.4136(6), Florida Statutes, for any mitigation bank proposed  
659 on the New Garden Coal property shall include, at a minimum, the  
660 Wekiva Study Area described in s. 369.316, Florida Statutes. In  
661 determining the number of mitigation credits to award any  
662 mitigation bank proposed on the New Garden Coal property, the  
663 St. Johns River Water Management District shall, in addition to



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664 | the factors set forth in s. 373.4136(4), Florida Statutes,  
665 | consider the ecological value generated by preserving the New  
666 | Garden Coal property without the use of public funds, thereby  
667 | freeing up such funds to acquire other lands as specified in  
668 | this act.

669 | Section 4. This act shall take effect upon becoming a law.