

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1013 CS

Wekiva Parkway and Protection Act

SPONSOR(S): Brummer

TIED BILLS:

IDEN./SIM. BILLS: SB 908

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Growth Management Committee</u>	<u>9 Y, 0 N</u>	<u>Grayson</u>	<u>Grayson</u>
2) <u>Transportation & Economic Development Appropriations Committee</u>	<u>13 Y, 0 N</u>	<u>McAuliffe</u>	<u>Gordon</u>
3) <u>State Infrastructure Council</u>	<u>8 Y, 0 N, w/CS</u>	<u>Grayson</u>	<u>Havlicak</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 1013 amends the Wekiva Parkway and Protection Act, Part III of ch. 369, F.S., to correct certain issues that have been discovered since the passage of the act in 2004. Specifically, the bill:

- Clarifies that for those governments located partially within the Wekiva Study Area, the requirements for a master stormwater management plan and a master wastewater facilities plan apply only to that portion of the local governments located within the Wekiva Study Area.
- Provides some exceptions to the January 1, 2006, date for some of the required comprehensive plan amendments that must be adopted in the Wekiva Study Area.
- Omits small-scale amendments from Department of Community Affairs' review.
- Corrects a reference to the East Central Florida Regional Planning Council.

The bill does not appear to have a fiscal impact upon state resources.

The bill provides an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Background

The Wekiva Basin, consisting of the Wekiva River, the St. Johns River and their tributaries along with associated lands in central Florida, is part of a wildlife corridor that connects northwest Orange County with the Ocala National Forest. The Wekiva River and its tributaries have been designated an Outstanding Florida Water, a National and Scenic River, a Florida Wild and Scenic River, and a Florida Aquatic Preserve. The central Florida region has experienced tremendous growth in the last 20 years resulting in increased transportation demands and development pressure on lands within the Wekiva Basin.

The desire to balance the transportation needs associated with the projected growth and protection of the Wekiva Basin prompted Governor Bush to create the Wekiva Basin Area Task Force in 2002 to make recommendations on the most appropriate location for a highway route connecting State Road 429 to Interstate 4 while providing the greatest protection to the Wekiva Basin. Legislation to implement the Task Force's recommendations was considered during the 2003 legislative session, but did not pass.

In July, 2003, Governor Bush created the Wekiva River Basin Coordinating Committee to be a forum to identify enhanced land use planning strategies and development standards for the Wekiva River Basin. In 2004, the Legislature enacted the Wekiva Parkway and Protection Act, Part III, ch 369, F.S. The act implemented the recommendations of the Wekiva River Basin Coordinating Committee's Final Report of March 16, 2004. The legislation provides legislative intent and a legal description of the Wekiva Study Area.

Section 369.317, F.S., defines the Wekiva Parkway as any limited access highway or expressway constructed between SR 429 and Interstate 4 specifically incorporating the corridor alignment recommended by the Wekiva River Basin Area Task Force and the SR 429 Working Group. The Wekiva Parkway and related transportation facilities must follow the design criteria contained in the recommendations of the Wekiva River Area Task Force adopted by reference by the Wekiva River Basin Coordinating Committee, subject to reasonable environmental, economic and engineering considerations.

The Wekiva Parkway and Protection Act called for several studies to be conducted within the Wekiva Study Area. Those studies included:

- Requiring the Department of Environmental Protection (DEP) to study wastewater treatment standards needed to protect the surface and groundwater quality in the study area.
- Requiring the Department of Health, in coordination with DEP to study onsite sewage disposal system standards needed to protect the groundwater quality in the study area.
- Requiring the St. Johns River Water Management District to initiate rules to amend the recharge criteria in Rule 40C-41.063(3), F.A.C., to apply to all recharge lands within the study area. Also, the district must adopt a consolidated environmental resource permit/consumptive use permit for irrigation of urban landscape, golf courses, and other recreational areas. The district must conduct an analysis of the impact of redevelopment projects in the Wekiva River Basin upon

aquifer recharge; update the minimum flows and levels for Rock Springs and Wekiva Springs; and revise consumptive use permit thresholds in the study area to address proposed water withdrawals above 50,000 gallons per day. Further, the district must establish pollution load reduction goals for the study area to be used by DEP in adopting total maximum daily loads for impaired waters within the study area.

- Requiring the Department of Agriculture and Consumer Services to be the lead agency for coordinating the reduction of agriculture nonpoint sources of pollution.

The act required each local government within the study area to adopt a master stormwater management plan and a wastewater facility plan for joint planning areas and utility service areas where central wastewater systems are not readily available.

Each local government within the study area must adopt certain amendments to their local government comprehensive plans. Those amendments include:

- Adopting an interchange land use plan (only those local governments hosting an interchange).
- Ensuring implementation of the master stormwater management plan.
- Establishing land use strategies that optimize open space and promote a pattern of development that protects the most effective recharge areas.
- Providing an up-to-date 10-year water supply facility work plan for building potable water facilities necessary to serve existing and new development.

The act also created a 19-member Wekiva River Basin Commission to monitor and ensure the implementation of the Wekiva River Basin Coordinating Committee's recommendations. To date, the commission has met twice.

Effects of Proposed Changes

HB 1013 amends the Wekiva Parkway and Protection Act, Part III of ch. 369, F.S., to correct certain issues that have been discovered since the passage of the act in 2004. Specifically, the bill:

- Clarifies that the requirements for a master stormwater management plan and a master wastewater facilities plan apply only to that portion of the local governments located within the Wekiva Study Area.
- Provides some exceptions to the January 1, 2006, date for some of the required comprehensive plan amendments that must be adopted in the Wekiva Study Area. Specifically the bill provides:
 - Local governments are not required to adopt an interchange land use plan for interchanges until one year after the establishment of the interchange location.
 - Local governments are not required to adopt an interchange land use plan for interchanges on Interstate 4 because the planned interchange is located in a developed area.
 - The 10-year water supply facility work plan for building potable water facilities must be completed by December 1, 2006.
- Omits small-scale amendments from the Department of Community Affairs' review.
- Corrects a reference to the East Central Florida Regional Planning Council.

C. SECTION DIRECTORY:

Section 1. Amends s. 369.319, F.S., to clarify that for those local governments located partially within the Wekiva Study Area, the requirements for a master stormwater management plan apply only to that portion of the local governments located within the Wekiva Study Area.

Section 2. Creates s. 369.320(3), F.S., to clarify that for those local governments located partially within the Wekiva Study Area, the requirements for a master wastewater facilities plan apply only to that portion of the local governments located within the Wekiva Study Area.

Section 3. Amends s. 369.321, F.S., to provide an exception to the January 1, 2006, date for some of the required comprehensive plan amendments that must be adopted in the Wekiva Study Area.

Section 4. Amends s. 369.324(4), F.S., to correct a reference to the East Central Florida Regional Planning Council.

Section 5. Provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not have an impact upon state revenues.

2. Expenditures:

The bill does not have an impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not have an impact upon local government revenues.

2. Expenditures:

The bill does not have an impact upon local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not have an impact upon the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **April 19, 2005**, the State Infrastructure Council adopted an amendment offered by Representative Brummer that reinstates current law by removing language that exempts interchanges located on Interstate 4 from comprehensive plan amendments within the Wekiva Study Area.