

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: SB 908

SPONSOR: Senator Constantine

SUBJECT: Wekiva Parkway and Protection Act

DATE: March 10, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Branning	Kiger	EP	Fav/1 amendment
2.	Herrin	Yeatman	CA	Favorable
3.				
4.				
5.				
6.				

Please see last section for Summary of Amendments

☒

Technical amendments were recommended

☐

Amendments were recommended

☐

Significant amendments were recommended

I. Summary:

This bill amends the Wekiva Parkway and Protection Act to correct certain glitches that have been discovered since the passage of the act.

- Clarifies that for those local 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 a few 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.

This bill substantially amends the following sections of the Florida Statutes: 369.319, 369.320, 369.321, and 369.324.

II. Present Situation:

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 vast 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 increasing 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 that are consistent with the protected property rights and which improve and assure protection of surface and groundwater resources, including the recharge potential of the Wekiva Study Area.

In 2004, the Legislature enacted the Wekiva Parkway and Protection and 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, and provides legislative intent and a legal description of the Wekiva Study Area. The majority of the land within the Study Area contributes groundwater recharge to the Wekiva River and springs.

The Wekiva Parkway is 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:

- Department of Environmental Protection (DEP) to study wastewater treatment standards needed to protect the surface and groundwater quality in the Study Area.
- Department of Health, in coordination with the DEP to study onsite sewage disposal system standards needed to protect the groundwater quality in the Study Area.
- St. Johns River Water Management District to initiate rulemaking 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, and the district must 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 gal./day. Further, the district must establish pollution load

- reduction goals for the Study Area to be used by the DEP in adopting total maximum daily loads for impaired waters within the Study Area.
- 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.

III. Effect of Proposed Changes:

Section 1 amends s. 369.319, F.S., which requires each local government within the Wekiva Study Area to develop a master stormwater management plan. Specifically, this bill clarifies that for those local governments located partially within the Wekiva Study Area, this requirement applies only to that portion located within the Wekiva Study Area.

Section 2 amends s. 369.320, F.S., which requires local governments within the Wekiva Study Area to develop a wastewater facility plan for joint planning areas and utility service areas where central wastewater systems are not readily available. This bill clarifies that for those local governments located partially within the Wekiva Study Area, this requirement applies only to that portion located within the Wekiva Study Area.

Section 3 amends s. 369.321, F.S., which provides that by January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include certain specified elements. This bill provides the following exceptions to the January 1, 2006 deadline.

- Within 1 year after the establishment of the interchange location, the local government hosting an interchange on the Wekiva Parkway shall adopt an interchange land use plan amendment. Interchanges located on Interstate 4 are exempt from this provision.
- By December 1, 2006, the local government must provide an up-to-date 10-year water supply facility work plan for building potable water facilities necessary to serve existing and new development and for which the local government is responsible. This would

correct a date conflict with s. 163.3177, F.S., which requires that by December 1, 2006, the general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element must consider the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361, F.S.

Also, any local comprehensive plan amendment adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the Department of Community Affairs (DCA) pursuant to *ch. 163, F.S.*, and *ch. 9J-5, F.A.C.* The effect of adding the reference to *ch. 163, F.S.*, is to omit small-scale amendments from DCA review.¹

Section 4 amends s. 369.324, F.S., which creates the Wekiva River Basin Commission and requires the East Central Florida Regional Planning Council to serve as a clearinghouse of baseline or specialized studies through modeling and simulation. This bill corrects a reference to the East Central Florida Regional Planning Council.

Section 5 provides that the act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

¹ Small scale amendments refer to proposed comprehensive plan amendments involving 10 acres or fewer that are not subject to plan amendment review by DCA under s. 163.3184(3)-(6), F.S., unless the local government requests such review.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the INTENT or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

Barcode 730310 by Environmental Preservation:

Technical amendment to clarify the Department of Environmental Protection's rulemaking authority regarding water quality standards in the Wekiva Study Area. (WITH TITLE AMENDMENT)

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
