

1 A bill to be entitled  
2 An act relating to the Wekiva Parkway and  
3 Protection Act; amending s. 369.318, F.S.;  
4 clarifying the Department of Environmental  
5 Protection's rulemaking authority to implement  
6 certain recommendations; amending ss. 369.319  
7 and 369.320, F.S.; clarifying that requirements  
8 for a local government to develop a master  
9 stormwater management plan and a wastewater  
10 facility plan apply only to that portion of the  
11 local government located within the Wekiva  
12 Study Area; amending s. 369.321, F.S.;  
13 requiring local governments hosting an  
14 interchange on the Wekiva Parkway to adopt an  
15 interchange land use plan within 1 year after  
16 the interchange location is established;  
17 exempting interchanges located on Interstate 4  
18 from the requirement for an interchange land  
19 use plan; revising the date local governments  
20 are required to adopt a 10-year water supply  
21 facility work plan; clarifying that the  
22 Department of Community Affairs reviews  
23 comprehensive plan amendments for the Wekiva  
24 Study Area under ch. 163, F.S.; amending s.  
25 369.324, F.S.; correcting a reference to the  
26 East Central Florida Regional Planning Council;  
27 providing an effective date.

28  
29 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Subsection (1) of section 369.318, Florida  
2 Statutes, is amended to read:

3           369.318 Studies.--

4           (1) The Department of Environmental Protection shall  
5 study the efficacy and applicability of water quality and  
6 wastewater treatment standards needed to achieve nitrogen  
7 reductions protective of surface and groundwater quality  
8 within the Wekiva Study Area and report to the Governor and  
9 the Department of Community Affairs. ~~no later than December 1,~~  
10 ~~2004. Based on the December 2004 report,~~ The Department of  
11 Environmental Protection may adopt rules to implement the  
12 specific recommendations set forth in sections C.2. and C.4.  
13 of its report entitled "A Strategy for Water Quality  
14 Protection: Wastewater Treatment in the Wekiva Study Area,"  
15 dated December 2004, in order to achieve nitrogen reductions  
16 protective of surface and groundwater quality in the Wekiva  
17 Study Area and implement Recommendation 8 of the Wekiva River  
18 Basin Coordinating Committee's final report dated March 16,  
19 2004 shall, if appropriate, by March 1, 2005, initiate  
20 ~~rulemaking to achieve nitrogen reductions protective of~~  
21 ~~surface and groundwater quality or recommend any additional~~  
22 ~~statutory authority needed to implement the report~~  
23 ~~recommendations.~~

24           Section 2. Section 369.319, Florida Statutes, is  
25 amended to read:

26           369.319 Master stormwater management plan.--Each local  
27 government within the Wekiva Study Area shall develop a master  
28 stormwater management plan that: assesses existing problems  
29 and deficiencies in the community; identifies projects to meet  
30 long-range needs; establishes priorities to address existing  
31 deficiencies; establishes measures to address redevelopment;

1 establishes a schedule to complete needed improvements;  
 2 evaluates the feasibility of stormwater reuse; and includes  
 3 requirements for inspection and maintenance of facilities. The  
 4 plan shall also identify a funding source, such as a  
 5 stormwater utility fee, to fund implementation of the plan and  
 6 maintenance program. In addition, the local government shall  
 7 establish a water reuse and irrigation program that allows for  
 8 reuse of stormwater on a site basis for development over a  
 9 size threshold to be determined by the local government or on  
 10 a jurisdiction-wide basis to minimize pumpage of groundwater  
 11 for nonpotable usage. For those local governments located  
 12 partially within the Wekiva Study Area, this section applies  
 13 only to that portion located within the Wekiva Study Area.

14 Section 3. Subsection (3) is added to section 369.320,  
 15 Florida Statutes, to read:

16 369.320 Wastewater facility plan.--

17 (3) For those local governments located partially  
 18 within the Wekiva Study Area, this section applies only to  
 19 that portion located within the Wekiva Study Area.

20 Section 4. Section 369.321, Florida Statutes, is  
 21 amended to read:

22 369.321 Comprehensive plan amendments.--~~Except as~~  
 23 otherwise expressly provided, by January 1, 2006, each local  
 24 government within the Wekiva Study Area shall amend its local  
 25 government comprehensive plan to include the following:

26 (1) Within 1 year after the establishment of the  
 27 interchange locations, local governments hosting an  
 28 interchange on the Wekiva Parkway shall adopt an interchange  
 29 land use plan into their comprehensive plans. Each interchange  
 30 land use plan shall address: appropriate land uses and  
 31 compatible development; secondary road access; access

1 management; right-of-way protection; vegetation protection and  
2 water conserving landscaping; and the height and appearance of  
3 structures and signage. Local governments within which the  
4 Wekiva Parkway is planned shall amend their local government  
5 comprehensive plan to include the Wekiva Parkway. Interchanges  
6 located on Interstate 4 are exempt from this subsection.

7 (2) Local governments shall amend the appropriate  
8 elements of the comprehensive plan, including the capital  
9 improvements element, to ensure implementation of the master  
10 stormwater management plan.

11 (3) Local governments shall amend their comprehensive  
12 plans to establish land use strategies that optimize open  
13 space and promote a pattern of development on a  
14 jurisdiction-wide basis that protects the most effective  
15 recharge areas, karst features, and sensitive natural habitats  
16 including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak  
17 Scrub. Such strategies shall recognize property rights and the  
18 varying circumstances within the Wekiva Study Area, including  
19 rural and urban land use patterns. Local comprehensive plans  
20 shall map, using best available data from the St. Johns River  
21 Water Management District and the Fish and Wildlife  
22 Conservation Commission, recharge areas and sensitive upland  
23 habitats for this purpose. Local governments shall have  
24 flexibility to achieve this objective through comprehensive  
25 plan strategies that may include, but are not limited to:

- 26 (a) Coordinated greenway plans;  
27 (b) Dedication of conservation easements;  
28 (c) Land acquisition;  
29 (d) Clustering of development;  
30 (e) Density credits and density incentives which  
31 result in permanent protection of open space; and

1 (f) Low to very low density development.

2 (4) By December 1, 2006, an up-to-date 10-year water  
 3 supply facility work plan for building potable water  
 4 facilities necessary to serve existing and new development and  
 5 for which the local government is responsible as required by  
 6 s. 163.3177(6)(c).

7 (5) Comprehensive plans and comprehensive plan  
 8 amendments adopted by the local governments to implement this  
 9 section shall be reviewed by the Department of Community  
 10 Affairs pursuant to s. 163.3184, and shall be exempt from the  
 11 provisions of s. 163.3187(1).

12 (6) Implementing land development regulations shall be  
 13 adopted no later than January 1, 2007.

14 (7) During the period prior to the adoption of the  
 15 comprehensive plan amendments required by this act, any local  
 16 comprehensive plan amendment adopted by a city or county that  
 17 applies to land located within the Wekiva Study Area shall  
 18 protect surface and groundwater resources and be reviewed by  
 19 the Department of Community Affairs, pursuant to chapter 163  
 20 and chapter 9J-5, Florida Administrative Code, using best  
 21 available data, including the information presented to the  
 22 Wekiva River Basin Coordinating Committee.

23 Section 5. Subsection (4) of section 369.324, Florida  
 24 Statutes, is amended to read:

25 369.324 Wekiva River Basin Commission.--

26 (4) To assist the commission in its mission, the East  
 27 Central Florida Coast ~~Coast~~ Regional Planning Council, in  
 28 coordination with the applicable regional and state agencies,  
 29 shall serve as a clearinghouse of baseline or specialized  
 30 studies through modeling and simulation, including collecting  
 31 and disseminating data on the demographics, economics, and the

1 environment of the Wekiva Study Area including the changing  
2 conditions of the Wekiva River surface and groundwater basin  
3 and associated influence on the Wekiva River and the Wekiva  
4 Springs.

5           Section 6. This act shall take effect upon becoming a  
6 law.

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