

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

30
31 Be It Enacted by the Legislature of the State of Florida:

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. The rules shall provide an opportunity for relief from
20 such specific recommendations upon affirmative demonstration
21 by the permittee or permit applicant, based on water quality
22 data, physical circumstances, or other credible information,
23 that the discharge of treated wastewater is protective of
24 surface water and groundwater quality with respect to
25 nitrate-nitrogen as set forth in section C.1. of the
26 referenced December 2004 report shall, if appropriate, by
27 ~~March 1, 2005, initiate rulemaking to achieve nitrogen~~
28 ~~reductions protective of surface and groundwater quality or~~
29 ~~recommend any additional statutory authority needed to~~
30 ~~implement the report recommendations.~~

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

3 369.319 Master stormwater management plan.--Each local
4 government within the Wekiva Study Area shall develop a master
5 stormwater management plan that: assesses existing problems
6 and deficiencies in the community; identifies projects to meet
7 long-range needs; establishes priorities to address existing
8 deficiencies; establishes measures to address redevelopment;
9 establishes a schedule to complete needed improvements;
10 evaluates the feasibility of stormwater reuse; and includes
11 requirements for inspection and maintenance of facilities. The
12 plan shall also identify a funding source, such as a
13 stormwater utility fee, to fund implementation of the plan and
14 maintenance program. In addition, the local government shall
15 establish a water reuse and irrigation program that allows for
16 reuse of stormwater on a site basis for development over a
17 size threshold to be determined by the local government or on
18 a jurisdiction-wide basis to minimize pumpage of groundwater
19 for nonpotable usage. For those local governments located
20 partially within the Wekiva Study Area, this section applies
21 only to that portion located within the Wekiva Study Area.

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

24 369.320 Wastewater facility plan.--

25 (3) For those local governments located partially
26 within the Wekiva Study Area, this section applies only to
27 that portion located within the Wekiva Study Area.

28 Section 4. Section 369.321, Florida Statutes, is
29 amended to read:

30 369.321 Comprehensive plan amendments.--Except as
31 otherwise expressly provided, by January 1, 2006, each local

1 government within the Wekiva Study Area shall amend its local
2 government comprehensive plan to include the following:

3 (1) Within 1 year after the establishment of the
4 interchange locations, local governments hosting an
5 interchange on the Wekiva Parkway shall adopt an interchange
6 land use plan into their comprehensive plans. Each interchange
7 land use plan shall address: appropriate land uses and
8 compatible development; secondary road access; access
9 management; right-of-way protection; vegetation protection and
10 water conserving landscaping; and the height and appearance of
11 structures and signage. Local governments within which the
12 Wekiva Parkway is planned shall amend their local government
13 comprehensive plan to include the Wekiva Parkway. Interchanges
14 located on Interstate 4 are exempt from this subsection.

15 (2) Local governments shall amend the appropriate
16 elements of the comprehensive plan, including the capital
17 improvements element, to ensure implementation of the master
18 stormwater management plan.

19 (3) Local governments shall amend their comprehensive
20 plans to establish land use strategies that optimize open
21 space and promote a pattern of development on a
22 jurisdiction-wide basis that protects the most effective
23 recharge areas, karst features, and sensitive natural habitats
24 including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak
25 Scrub. Such strategies shall recognize property rights and the
26 varying circumstances within the Wekiva Study Area, including
27 rural and urban land use patterns. Local comprehensive plans
28 shall map, using best available data from the St. Johns River
29 Water Management District and the Fish and Wildlife
30 Conservation Commission, recharge areas and sensitive upland
31 habitats for this purpose. Local governments shall have

1 flexibility to achieve this objective through comprehensive
2 plan strategies that may include, but are not limited to:

- 3 (a) Coordinated greenway plans;
- 4 (b) Dedication of conservation easements;
- 5 (c) Land acquisition;
- 6 (d) Clustering of development;
- 7 (e) Density credits and density incentives which
8 result in permanent protection of open space; and
- 9 (f) Low to very low density development.

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

15 (5) Comprehensive plans and comprehensive plan
16 amendments adopted by the local governments to implement this
17 section shall be reviewed by the Department of Community
18 Affairs pursuant to s. 163.3184, and shall be exempt from the
19 provisions of s. 163.3187(1).

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

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

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

3 369.324 Wekiva River Basin Commission.--

4 (4) To assist the commission in its mission, the East
5 Central Florida Coast ~~Coast~~ Regional Planning Council, in
6 coordination with the applicable regional and state agencies,
7 shall serve as a clearinghouse of baseline or specialized
8 studies through modeling and simulation, including collecting
9 and disseminating data on the demographics, economics, and the
10 environment of the Wekiva Study Area including the changing
11 conditions of the Wekiva River surface and groundwater basin
12 and associated influence on the Wekiva River and the Wekiva
13 Springs.

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