

By Senator Constantine

22-01429-09

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1                   A bill to be entitled  
2           An act relating to the Wekiva River Protection Area;  
3           amending s. 369.305, F.S.; deleting an obsolete date  
4           relating to the review of local comprehensive plans by  
5           counties within the protection area; providing an  
6           effective date.

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8   Be It Enacted by the Legislature of the State of Florida:

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10           Section 1. Subsection (1) of section 369.305, Florida  
11   Statutes, is amended to read:

12           369.305 Review of local comprehensive plans, land  
13   development regulations, Wekiva River development permits, and  
14   amendments.—

15           (1) It is the intent of the Legislature that comprehensive  
16   plans and land development regulations of Orange, Lake, and  
17   Seminole Counties be revised to protect the Wekiva River  
18   Protection Area prior to the due dates established in ss.  
19   163.3167(2) and 163.3202 and chapter 9J-12, Florida  
20   Administrative Code. It is also the intent of the Legislature  
21   that the counties emphasize this important state resource in  
22   their planning and regulation efforts. Therefore, each county  
23   shall, ~~by April 1, 1989,~~ review and amend those portions of its  
24   local comprehensive plan and its land development regulations  
25   applicable to the Wekiva River Protection Area, and, if  
26   necessary, adopt additional land development regulations which  
27   are applicable to the Wekiva River Protection Area to meet the  
28   following criteria:

29           (a) Each county's local comprehensive plan shall contain

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30 goals, policies, and objectives which result in the protection  
31 of the:

32 1. Water quantity, water quality, and hydrology of the  
33 Wekiva River System;

34 2. Wetlands associated with the Wekiva River System;

35 3. Aquatic and wetland-dependent wildlife species  
36 associated with the Wekiva River System;

37 4. Habitat within the Wekiva River Protection Area of  
38 species designated pursuant to rules 39-27.003, 39-27.004, and  
39 39-27.005, Florida Administrative Code; and

40 5. Native vegetation within the Wekiva River Protection  
41 Area.

42 (b) The various land uses and densities and intensities of  
43 development permitted by the local comprehensive plan shall  
44 protect the resources enumerated in paragraph (a) and the rural  
45 character of the Wekiva River Protection Area. The plan shall  
46 also include:

47 1. Provisions to ensure the preservation of sufficient  
48 habitat for feeding, nesting, roosting, and resting so as to  
49 maintain viable populations of species designated pursuant to  
50 rules 39-27.003, 39-27.004, and 39-27.005, Florida  
51 Administrative Code, within the Wekiva River Protection Area.

52 2. Restrictions on the clearing of native vegetation within  
53 the 100-year flood plain.

54 3. Prohibition of development that is not low-density  
55 residential in nature, unless that development has less impacts  
56 on natural resources than low-density residential development.

57 4. Provisions for setbacks along the Wekiva River for areas  
58 that do not fall within the protection zones established

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59 pursuant to s. 373.415.

60 5. Restrictions on intensity of development adjacent to  
61 publicly owned lands to prevent adverse impacts to such lands.

62 6. Restrictions on filling and alteration of wetlands in  
63 the Wekiva River Protection Area.

64 7. Provisions encouraging clustering of residential  
65 development when it promotes protection of environmentally  
66 sensitive areas, and ensuring that residential development in  
67 the aggregate shall be of a rural density and character.

68 (c) The local comprehensive plan shall require that the  
69 density or intensity of development permitted on parcels of  
70 property adjacent to the Wekiva River System be concentrated on  
71 those portions of the parcels which are the farthest from the  
72 surface waters and wetlands of the Wekiva River System.

73 (d) The local comprehensive plan shall require that parcels  
74 of land adjacent to the surface waters and watercourses of the  
75 Wekiva River System not be subdivided so as to interfere with  
76 the implementation of protection zones as established pursuant  
77 to s. 373.415, any applicable setbacks from the surface waters  
78 in the Wekiva River System which are established by local  
79 governments, or the policy established in paragraph (c) of  
80 concentrating development in the Wekiva River Protection Area as  
81 far from the surface waters and wetlands of the Wekiva River  
82 System as practicable.

83 (e) The local land development regulations shall implement  
84 the provisions of paragraphs (a), (b), (c), and (d) and shall  
85 also include restrictions on the location of septic tanks and  
86 drainfields in the 100-year flood plain and discharges of  
87 stormwater to the Wekiva River System.

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Section 2. This act shall take effect July 1, 2009.