

Senate Bill sb1214er

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2004 Legislature

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An act relating to the Wekiva Parkway and

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Protection Act; creating part III of ch. 369,

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F.S., consisting of ss. 369.314, 369.315,

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369.316, 369.317, 369.318, 369.319, 369.320,

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369.321, 369.322, 369.323, and 369.324, F.S.;

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providing legislative intent; providing a legal

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description of the Wekiva Study Area; defining

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the Wekiva Parkway; providing guiding

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principles for the Wekiva Parkway Design

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Features and Construction; limiting the number

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of interchanges along the Wekiva Parkway;

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granting the Department of Transportation

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certain eminent domain authority for the Wekiva

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Parkway construction; requiring that certain

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entities locate the precise corridor and

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interchanges for the Wekiva Parkway in Seminole

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County consistent with this act; providing that

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the Orlando-Orange County Expressway Authority

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is granted authority to act as a third-party

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acquisition agent on behalf of the Board of

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Trustees of the Internal Improvement Trust Fund

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or the St. Johns River Water Management

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District; providing that certain properties

25 shall be acquired prior to the completion of
26 the parkway; requiring certain entities and
27 agencies to cooperate and establish funding
28 responsibilities and partnerships; requiring
29 certain studies by the Department of
30 Environmental Protection, the Department of
31 Health, the St. Johns River Water Management

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1 District, and the Department of Agriculture and
2 Consumer Services; providing for a master
3 stormwater plan; providing for a wastewater
4 facility plan; requiring certain local
5 government comprehensive plan amendments;
6 providing for the coordination of land use and
7 water supply with the Wekiva Study Area;
8 providing that comprehensive plans and
9 comprehensive plan amendments be reviewed for
10 compliance by the Department of Community
11 Affairs; creating the Wekiva River Basin
12 Commission; amending s. 163.3184, F.S.;
13 amending the definition of "compliance";
14 creating s. 348.7546, F.S.; authorizing the
15 construction and financing of the Wekiva
16 Parkway; creating s. 348.7547, F.S.;

17 authorizing the construction and financing of
18 the Maitland Boulevard Extension and Northwest
19 Beltway Part A; providing an effective date.

20

21 WHEREAS, the Wekiva River System and its associated
22 springshed areas are of irreplaceable value to the quality of
23 life and well-being of the people of the State of Florida, and

24 WHEREAS, protection of the surface and groundwater
25 resources, including recharge within the springshed that
26 provides for the Wekiva River System, is crucial to the
27 long-term viability of the Wekiva River and springs and the
28 central Florida Region's water supply, and

29 WHEREAS, construction of the Wekiva Parkway and other
30 roadway improvements to the west of the Wekiva River System
31 will add to the pressures for growth and development already

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1 affecting the surface and groundwater resources within the
2 recharge area, NOW, THEREFORE,

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

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6 Section 1. Part III of chapter 369, Florida Statutes,
7 consisting of sections 369.314, 369.315, 369.316, 369.317,
8 369.318, 369,319, 369.320, 369.321, 369.322, 369.323, and

9 369.324, is created to read:

10 PART III

11 Wekiva Parkway and Protection Act.

12 369.314 Short title.--This act may be cited as the
13 "Wekiva Parkway Protection Act."

14 369.315 Intent.--

15 (1) The Legislature finds that, in general, Florida
16 springs whether found in urban or rural settings, public
17 parks, or private lands, are threatened by actual and
18 potential flow reductions and declining water quality. As a
19 result of climate patterns and population changes, over the
20 past 30 years, many of Florida's springs have begun to exhibit
21 signals of distress, including increasing nutrient loading and
22 lowered water flow. The groundwater that feeds springs is
23 recharged by seepage from the surface and through direct
24 conduits such as sinkholes.

25 (2) The Legislature further finds that springs and
26 groundwater once damaged by overuse can be restored through
27 good stewardship, including effective planning strategies and
28 best management practices to preserve and protect the spring
29 and its springshed. Prudent land use planning decisions can
30 protect and improve quality and quantity, as well as upland
31 resources of a springshed. Managing land use types and their

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1 allowable densities and intensities of development, followed
2 by specific site planning to further minimize impacts, rank as
3 an important goal.

→ 4 (3) It is the intent of the Legislature that the
5 recommendations of the Wekiva River Basin Coordinating
6 Committee as stated in its final report dated March 16, 2004,
7 be taken and implemented as a whole to achieve the objective
8 of improving and assuring protection of surface water and
9 groundwater resources. Coordination of comprehensive plans and
10 the Regional Water Supply Plan is important for protection of
11 water resources and to promote the continuity of effective
12 planning and development.

13 (4) It is not the intent of the Legislature to place
14 an undue burden on local governments within the Wekiva Study
15 Area. Any required Wekiva Study Area comprehensive plan
16 amendments may be adopted in conjunction with other amendments
17 not required by this part.

→ 18 369.316 Wekiva Study Area.--The Wekiva Study Area is
19 defined to include the following land: Begin at the northwest
20 corner of Section 6, Township 18 South, Range 28 East, Lake
21 County, Florida, said corner lying on the north line of
22 Township 18 South; thence Easterly along said north line of
23 Township 18 South to the northeast corner of Section 5,
24 Township 18 South, Range 29 East; thence Southerly along the
25 east line of said Section 5 to the northeast corner of Section
26 8, Township 18 South, Range 29 East; thence Southerly along
27 the east line of said Section 8 to the northeast corner of
28 Section 17, Township 18 South, Range 29 East; thence Southerly
29 along the east line of said Section 17 to the northeast corner
30 of Section 20, Township 18 South, Range 29 East; thence

31 Southerly along the east line of said Section 20 to the

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1 northeast corner of Section 29, Township 18 South, Range 29
2 East; thence Southerly along the east line of said Section 29
3 to the northeast corner of Section 32, Township 18 South,
4 Range 29 East; thence Southerly along the east line of said
5 Section 32 to the southeast corner thereof, said corner lying
6 on the south line of Township 18 South; thence Easterly along
7 the south line of said Township 18 South to an intersection
8 with the east line of Range 29 East; thence Southerly along
9 the east line of said Range 29 East to the southeast corner of
10 Section 24, Township 21 South, Range 29 East; thence Westerly
11 along the south line of said Section 24 to the southeast
12 corner of Section 23, Township 21 South, Range 29 East; thence
13 Westerly along the south line of said Section 23, to an
14 intersection with the centerline of Interstate Highway No. 4;
15 thence generally Southerly along the centerline of Interstate
16 Highway No. 4 to an intersection with the south line of
17 Section 13, Township 22 South, Range 29 East; thence Westerly
18 along the south line of said Section 13 to the southeast
19 corner of Section 14, Township 22 South, Range 29 East; thence
20 Westerly along the south line of said Section 14 to the
21 southeast corner of Section 15, Township 22 South, Range 29
22 East; thence Westerly along the south line of said Section 15

23 to the northeast corner of Section 21, Township 22 South,
24 Range 29 East; thence Southerly along the east line of said
25 Section 21 to an intersection with the centerline of State
26 Road No. 50; thence Westerly along the centerline of said
27 State Road No. 50 to the northeast corner of Section 30,
28 Township 22 South, Range 28 East; thence Southerly along the
29 east line of said Section 30 to the northeast corner of
30 Section 31, Township 22 South, Range 28 East; thence Southerly
31 along the east line of said Section 31 to the southeast corner

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1 thereof, said corner lying on the south line of Township 22
2 South; thence Westerly along said south line of Township 22
3 South to the northeast corner of Section 2, Township 23 South,
4 Range 27 East; thence Southerly along the east line of said
5 Section 2 to the northeast corner of Section 11, Township 23
6 South, Range 27 East; thence Southerly along the east line of
7 said Section 11 to the southeast corner thereof; thence
8 Westerly along the south line of said Section 11 to the
9 southeast corner of Section 10, Township 23 South, Range 27
10 East; thence Westerly along the south line of said Section 10
11 to the southeast corner of Section 9, Township 23 South, Range
12 27 East; thence Westerly along the south line of said Section
13 9 to the Southeast corner of Section 8, Township 23 South,
14 Range 27 East; thence Westerly along the south line of said

15 Section 8 to the southeast corner of Section 7, Township 23
16 South, Range 27 East; thence Westerly along the south line of
17 said Section 7 to the southwest corner thereof, said corner
18 lying on the line of demarcation between Orange County and
19 Lake County; thence generally Northerly and along said county
20 line to the northeast corner of Section 12, Township 20 South,
21 Range 26 East, said corner lying on the east line of Range 26
22 East; thence generally Northerly and along said east line of
23 Range 26 East to the southeast corner of Section 24, Township
24 19 South, Range 26 East; thence Westerly along the south line
25 of said Section 24 to the southeast corner of Section 23,
26 Township 19 South, Range 26 East; thence Westerly along the
27 south line of said Section 23 to the southwest corner thereof;
28 thence Northerly along the west line of said Section 23 to the
29 southwest corner of Section 14, Township 19 South, Range 26
30 East; thence Northerly along the west line of said Section 14
31 to the southwest corner of Section 11, Township 19 South,

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1 Range 26 East; thence generally Northeasterly to the southwest
2 corner of Section 1, Township 19 South, Range 26 East; thence
3 generally Northeasterly to the southwest corner of Section 31,
4 Township 18 South, Range 27 East; thence generally
5 Northeasterly to the southwest corner of Section 29, Township
6 18 South, Range 27 East; thence generally Northeasterly to the

7 northwest corner of Section 28, Township 18 South, Range 27
8 East; thence Easterly along the north line of said Section 28
9 to the northwest corner of Section 27, Township 18 South,
10 Range 27 East; thence Easterly along the north line of said
11 Section 27 to the northwest corner of Section 26, Township 18
12 South, Range 27 East; thence Easterly along the north line of
13 said Section 26 to the northwest corner of Section 25,
14 Township 18 South, Range 27 East; thence Easterly along the
15 north line of said Section 25 to an intersection with the west
16 line of Range 28 East; thence Northerly along the west line of
17 said Range 28 East, to the northwest corner of Section 6,
18 Township 18 South, Range 28 East, and the Point of Beginning.

19 316.317 Wekiva Parkway.--

20 (1) The "Wekiva Parkway" means any limited access
21 highway or expressway constructed between State Road 429 and
22 Interstate 4 specifically incorporating the corridor alignment
23 recommended by Recommendation 2 of the Wekiva River Basin Area
24 Task Force final report dated January 15, 2003, and the
25 recommendations of the SR 429 Working Group that were adopted
26 January 16, 2004.

→ 27 (2) The Wekiva Parkway and related transportation
28 facilities shall follow the design criteria contained in the
29 recommendations of the Wekiva River Basin Area Task Force
30 adopted by reference by the Wekiva River Basin Coordinating
31 Committee in its final report of March 16, 2004 and the

1 recommendations of the Wekiva Coordinating Committee contained
2 in its final report of March 16, 2004, subject to reasonable
3 environmental, economic and engineering considerations.

4 (3) With the exception of the road commonly referred
5 to as the Apopka Bypass, the construction of any other
6 limited-access highway or expressway that is identified by the
7 Final Recommendations of the State Road 429 Working Group
8 adopted January 16, 2004 within the Wekiva Study Area shall
9 adhere to transportation and conservation principles
10 identified within the Final Report of the Wekiva River Basin
11 Coordinating Committee dated March 16, 2004. If any other
12 limited-access highway or expressway is considered within the
13 Wekiva Study Area, then such a project shall adhere to the
14 extent practicable with transportation and conservation
15 principles identified within the Final Report of the Wekiva
16 River Basin Coordinating Committee dated March 16, 2004.

17 (4) Access to properties adjacent to SR 46 shall be
18 maintained through appropriate neighborhood streets or
19 frontage roads integrated into the parkway design.

→ 20 (5) In Seminole County, the Seminole County Expressway
21 Authority, the Department of Transportation, and the Florida
22 Turnpike Enterprise shall locate the precise corridor and
23 interchanges for the Wekiva Parkway consistent with the
24 legislative intent expressed in this act and other provisions
25 of this act.

26 (6) The Orlando-Orange County Expressway Authority is
27 hereby granted the authority to act as a third-party
28 acquisition agent, pursuant to s. 259.041 on behalf of the

29 Board of Trustees or chapter 373 on behalf of the governing
30 board of the St. Johns River Water Management District, for
31 the acquisition of all necessary lands, property and all

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1 interests in property identified herein, including fee simple
2 or less-than-fee simple interests. The lands subject to this
3 authority are identified in paragraph 10.a., State of Florida,
4 Office of the Governor, Executive Order 03-112 of July 1,
5 2003, and in Recommendation 16 of the Wekiva Basin Area Task
6 Force created by Executive Order 2002-259, such lands
7 otherwise known as Neighborhood Lakes, a 1,587+/- acre parcel
8 located in Orange and Lake Counties within Sections 27, 28, 33
9 and 34 of Township 19 South, Range 28 East, and Sections 3, 4,
10 5 and 9 of Township 20 South, Range 28 East; Seminole
11 Woods/Swamp, a 5,353+/- acre parcel located in Lake County
12 within Section 37, Township 19 South, Range 28 East; New
13 Garden Coal; a 1,605+/- acre parcel in Lake County within
14 Sections 23, 25, 26, 35 and 36, Township 19 South, Range 28
15 East; Pine Plantation, a 617+/- acre tract consisting of eight
16 individual parcels within the Apopka City limits. The
17 Department of Transportation, the Department of Environmental
18 Protection, the St. Johns River Water Management District, and
19 other land acquisition entities shall participate and
20 cooperate in providing information and support to the

21 third-party acquisition agent. The land acquisition process
22 authorized by this paragraph shall begin no later than
23 December 31, 2004. Acquisition of the properties identified as
24 Neighborhood Lakes, Pine Plantation, and New Garden Coal, or
25 approval as a mitigation bank shall be concluded no later than
26 December 31, 2010. Department of Transportation and
27 Orlando-Orange County Expressway Authority funds expended to
28 purchase an interest in those lands identified in this
29 subsection shall be eligible as environmental mitigation for
30 road construction related impacts in the Wekiva Study Area.
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1 (a) Acquisition of the land described in this section
2 is required to provide right of way for the Wekiva Parkway, a
3 limited access roadway linking State Road 429 to Interstate 4,
4 an essential component in meeting regional transportation
5 needs to provide regional connectivity, improve safety,
6 accommodate projected population and economic growth, and
7 satisfy critical transportation requirements caused by
8 increased traffic volume growth and travel demands.
9 (b) Acquisition of the lands described in this section
10 is also required to protect the surface water and groundwater
11 resources of Lake, Orange, and Seminole counties, otherwise
12 known as the Wekiva Study Area, including recharge within the

13 springshed that provides for the Wekiva River system.
14 Protection of this area is crucial to the long term viability
15 of the Wekiva River and springs and the central Florida
16 region's water supply. Acquisition of the lands described in
17 this section is also necessary to alleviate pressure from
18 growth and development affecting the surface and groundwater
19 resources within the recharge area.

20 (c) Lands acquired pursuant to this section that are
21 needed for transportation facilities for the Wekiva Parkway
22 shall be determined not necessary for conservation purposes
23 pursuant to ss. 253.034(6) and 373.089(5) and shall be
24 transferred to or retained by the Orlando-Orange County
25 Expressway Authority or the Department of Transportation upon
26 reimbursement of the full purchase price and acquisition
27 costs.

28 (7) The Department of Transportation, the Department
29 of Environmental Protection, the St. Johns River Water
30 Management District, Orlando-Orange County Expressway
31 Authority and other land acquisition entities shall cooperate

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1 and establish funding responsibilities and partnerships by
2 agreement to the extent funds are available to the various
3 entities. Properties acquired with Florida Forever funds shall
4 be in accordance with s. 259.041 or chapter 373. The

5 Orlando-Orange County Expressway Authority shall acquire land
6 in accordance with this section of law to the extent funds are
7 available from the various funding partners, but shall not be
8 required nor assumed to fund the land acquisition beyond the
9 agreement and funding provided by the various land acquisition
10 entities.

11 (8) The Department of Environmental Protection and the
12 St. Johns River Water Management District shall give the
13 highest priority to the acquisition of the lands described and
14 identified in subsection (6) for Florida Forever purchases.

15 369.318 Studies.--

16 (1) The Department of Environmental Protection shall
17 study the efficacy and applicability of water quality and
18 wastewater treatment standards needed to achieve nitrogen
19 reductions protective of surface and groundwater quality
20 within the Wekiva Study Area and report to the Governor and
21 the Department of Community Affairs no later than December 1,
22 2004. Based on the December 2004 report, the Department of
23 Environmental Protection shall, if appropriate, by March 1,
24 2005, initiate rulemaking to achieve nitrogen reductions
25 protective of surface and groundwater quality or recommend any
26 additional statutory authority needed to implement the report
27 recommendations.

28 (2) The Department of Health, in coordination with the
29 Department of Environmental Protection, shall study the
30 efficacy and applicability of onsite disposal system standards
31 needed to achieve nitrogen reductions protective of

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1 groundwater quality within the Wekiva Study Area including
2 publicly owned lands and report to the Governor and the
3 Department of Community Affairs no later than December 1,
4 2004. Based on the December 2004 report, the Department of
5 Health shall, if appropriate, by March 1, 2005, initiate
6 rulemaking to achieve nitrogen reductions protective of water
7 quality or recommend legislation for any additional statutory
8 authority needed to implement the report recommendations. The
9 study shall consider:

10 (a) For new developments within the Wekiva Study Area
11 and any existing development within the Wekiva River
12 Protection Area using onsite disposal systems, a more
13 stringent level of wastewater treatment, including, but not
14 limited to, the use of multiple tanks to combine aerobic and
15 anaerobic treatment to reduce the level of nitrates.

16 (b) The implementation of a septic tank maintenance
17 and inspection program which includes upgrading certain onsite
18 disposal systems permitted prior to 1982 to meet minimum
19 Department of Health standards; replacement of failing systems
20 and systems not meeting current standards; and providing
21 funding mechanisms for supporting a septic tank inspection and
22 maintenance program.

23 (3) The St. Johns River Water Management District
24 shall initiate rulemaking to:

25 (a) Amend the recharge criteria in Rule 40C-41.063(3),
26 Florida Administrative Code, to apply to all recharge lands

27 within the Wekiva Study Area.

28 (b) Adopt a consolidated environmental resources
29 permit/consumptive use permit for projects that require both
30 an environmental resource permit and a consumptive use permit
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1 that involve irrigation of urban landscape, golf course or
2 recreational areas.

3 (4) By March 1, 2005, the St. Johns River Water
4 Management District in conjunction with the Department of
5 Environmental Protection, shall initiate rulemaking to amend
6 the recharge criteria in Rule 40C-41.063(3), Florida
7 Administrative Code, to provide that the post-development
8 recharge volume conditions within the Wekiva Study Area
9 approximate pre-development recharge volume conditions. The
10 district shall study and undertake this rulemaking to
11 accomplish this standard on a development-specific basis. The
12 rule shall permit the utilization of existing permitted
13 municipal master stormwater systems with adequate capacity to
14 meet the new standards in lieu of onsite retention and shall
15 provide applicants with the ability to submit appropriate
16 geotechnical information demonstrating that a specific site is
17 not within a most effective recharge area of the Wekiva
18 springshed.

19 (5) The St. Johns River Water Management District
20 shall complete an assessment of the significance of water uses
21 below the current consumptive use permit thresholds in the
22 Wekiva Study Area to determine if rulemaking should be
23 initiated to lower consumptive use permit thresholds.

24 (6) The St. Johns River Water Management District
25 shall conduct an analysis of the impact of redevelopment
26 projects in the Wekiva River basin upon aquifer recharge and
27 shall consider whether to adopt a rule amendment to require
28 those redevelopment projects exceeding a specified threshold
29 to meet the Wekiva Basin recharge criteria. The effect of
30 redevelopment upon aquifer recharge shall be analyzed and then
31 the costs of regulation shall be analyzed.

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1 (7) By December 1, 2007, the St. Johns River Water
2 Management District shall update the minimum flows and levels
3 standards for Rock Springs and Wekiva Springs. Further, the
4 district shall revise the consumptive use permit thresholds in
5 the Wekiva Study Area to address proposed water withdrawals
6 above 50,000 gallons per day. Revisions to the consumptive use
7 thresholds shall provide for a general permit, if possible,
8 and include a transition period that allows continued access
9 to water supply for users that were not previously subject to
10 the permitting process.

11 (8) By December 1, 2005, the St. Johns River Water
12 Management District shall establish pollution load reduction
13 goals for the Wekiva Study Area to assist the Department of
14 Environmental Protection in adopting total maximum daily loads
15 for impaired waters within the Wekiva Study Area by December
16 1, 2006.

17 (9) The Department of Agriculture and Consumer
18 Services shall be the lead agency in coordinating the
19 reduction of agricultural nonpoint sources of pollution. The
20 Department of Agriculture and Consumer Services shall study,
21 and if necessary, initiate rulemaking to implement new or
22 revised best management practices for improving and protecting
23 water bodies, including those basins with impaired water
24 bodies addressed by the Total Maximum Daily Loads Program.

25 369.319 Master stormwater management plan.--Each local
26 government within the Wekiva Study Area shall develop a master
27 stormwater management plan that: assesses existing problems
28 and deficiencies in the community; identifies projects to meet
29 long-range needs; establishes priorities to address existing
30 deficiencies; establishes measures to address redevelopment;
31 establishes a schedule to complete needed improvements;

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1 evaluates the feasibility of stormwater reuse; and includes
2 requirements for inspection and maintenance of facilities. The

3 plan shall also identify a funding source, such as a
4 stormwater utility fee, to fund implementation of the plan and
5 maintenance program. In addition, the local government shall
6 establish a water reuse and irrigation program that allows for
7 reuse of stormwater on a site basis for development over a
8 size threshold to be determined by the local government or on
9 a jurisdiction-wide basis to minimize pumpage of groundwater
10 for nonpotable usage.

11 369.320 Wastewater facility plan.--

12 (1) Local governments within the Wekiva Study Area
13 shall develop a wastewater facility plan for joint planning
14 areas and utility service areas where central wastewater
15 systems are not readily available. The facility plan shall
16 include: the delineation of areas within the utility service
17 area that are to be served by central facilities within 5
18 years; a financially feasible schedule of improvements; an
19 infrastructure work plan to build the facilities needed to
20 implement the facility plan, including those needed to meet
21 enhanced treatment standards adopted by the Department of
22 Environmental Protection; and a phase-out of existing onsite
23 septic tank systems where central facilities are available.
24 The term available shall be interpreted consistent with the
25 definition of s. 381.0065(2)(a). The facility plan shall also
26 include a long-range component addressing service of the joint
27 planning area or utility service area. In addition, local
28 governments shall establish a water reuse program that allows
29 for reuse of reclaimed water on a site-by-site basis for
30 development over a size threshold to be determined by the

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1 local government or on a jurisdiction-wide basis to minimize
2 pumpage of groundwater for nonpotable usage.

3 (2) Local governments shall update their wastewater
4 facility plans required in subsection (1) where the Total
5 Maximum Daily Loads Program requires reductions in point
6 source pollutants for a basin or as required by legislation
7 for enhanced treatment standards.

8 369.321 Comprehensive plan amendments.--By January 1,
9 2006, each local government within the Wekiva Study Area shall
10 amend its local government comprehensive plan to include the
11 following:

12 (1) Local governments hosting an interchange on the
13 Wekiva Parkway shall adopt an interchange land use plan into
14 their comprehensive plans. Each interchange land use plan
15 shall address: appropriate land uses and compatible
16 development; secondary road access; access management;
17 right-of-way protection; vegetation protection and water
18 conserving landscaping; and the height and appearance of
19 structures and signage. Local governments within which the
20 Wekiva Parkway is planned shall amend their local government
21 comprehensive plan to include the Wekiva Parkway.

22 (2) Local governments shall amend the appropriate
23 elements of the comprehensive plan, including the capital
24 improvements element, to ensure implementation of the master

25 stormwater management plan.
26 (3) Local governments shall amend their comprehensive
27 plans to establish land use strategies that optimize open
28 space and promote a pattern of development on a
29 jurisdiction-wide basis that protects the most effective
30 recharge areas, karst features, and sensitive natural habitats
31 including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak

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1 Scrub. Such strategies shall recognize property rights and the
2 varying circumstances within the Wekiva Study Area, including
3 rural and urban land use patterns. Local comprehensive plans
4 shall map, using best available data from the St. Johns River
5 Water Management District and the Fish and Wildlife
6 Conservation Commission, recharge areas and sensitive upland
7 habitats for this purpose. Local governments shall have
8 flexibility to achieve this objective through comprehensive
9 plan strategies that may include, but are not limited to:
10 (a) Coordinated greenway plans;
11 (b) Dedication of conservation easements;
12 (c) Land acquisition;
13 (d) Clustering of development;
14 (e) Density credits and density incentives which
15 result in permanent protection of open space; and
16 (f) Low to very low density development.

17 (4) An up-to-date 10-year water supply facility work
18 plan for building potable water facilities necessary to serve
19 existing and new development and for which the local
20 government is responsible as required by paragraph
21 163.3177(6)(c).

22 (5) Comprehensive plans and comprehensive plan
23 amendments adopted by the local governments to implement this
24 section shall be reviewed by the Department of Community
25 Affairs pursuant to s. 163.3184, and shall be exempt from the
26 provisions of s. 163.3187(1).

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

29 (7) During the period prior to the adoption of the
30 comprehensive plan amendments required by this act, any local
31 comprehensive plan amendment adopted by a city or county that

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1 applies to land located within the Wekiva Study Area shall
2 protect surface and groundwater resources and be reviewed by
3 the Department of Community Affairs, pursuant to chapter 9J-5,
4 Florida Administrative Code, using best available data,
5 including the information presented to the Wekiva River Basin
6 Coordinating Committee.

7 369.322 Coordination of land use and water supply
8 within the Wekiva Study Area.--

9 (1) In their review of local government comprehensive
10 plan amendments for property located within the Wekiva Study
11 Area pursuant to s. 163.3184, the Department of Community
12 Affairs and the St. Johns River Water Management District
13 shall assure that amendments that increase development
14 potential demonstrate that adequate potable water consumptive
15 use permit capacity is available.

16 (2) Local governments located within the Wekiva Study
17 Area shall coordinate with the St. Johns River Water
18 Management District and other public and private utilities, on
19 a countywide or multicounty basis, to implement cooperative
20 solutions for development of alternative water sources
21 necessary to supplement groundwater supplies consistent with
22 the St. Johns River Water Management District Regional Water
23 Supply Plan.

24 (3) In recognition of the need to balance resource
25 protection, existing infrastructure and improvements planned
26 or committed as part of approved development, consistent with
27 existing municipal or county comprehensive plans and economic
28 development opportunities, planned community development
29 initiatives that assure protection of surface and groundwater
30 resources while promoting compact, ecologically and
31 economically sustainable growth should be encouraged. Small

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1 area studies, sector plans, or similar planning tools should
2 support these community development initiatives. In addition,
3 the Department of Community Affairs may make available best
4 practice guides that demonstrate how to balance resource
5 protection and economic development opportunities.

6 369.323 Compliance.--Comprehensive plans and plan
7 amendments adopted by the local governments within the Wekiva
8 Study Area to implement this act shall be reviewed for
9 compliance by the Department of Community Affairs.

10 369.324 Wekiva River Basin Commission.--

11 (1) The Wekiva River Basin Commission is created to
12 monitor and ensure the implementation of the recommendations
13 of the Wekiva River Basin Coordinating Committee for the
14 Wekiva Study Area. The East Central Florida Regional Planning
15 Council shall provide staff support to the commission with
16 funding assistance from the Department of Community Affairs.
17 The commission shall be comprised of a total of 19 members
18 appointed by the Governor, 9 of whom shall be voting members
19 and 10 shall be ad hoc nonvoting members. The voting members
20 shall include:

21 (a) One member of each of the Boards of County
22 Commissioners for Lake, Orange, and Seminole Counties.

23 (b) One municipal elected official to serve as a
24 representative of the municipalities located within the Wekiva
25 Study Area of Lake County.

26 (c) One municipal elected official to serve as a
27 representative of the municipalities located within the Wekiva
28 Study Area of Orange County.

29 (d) One municipal elected official to serve as a
30 representative of the municipalities located within the Wekiva

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1 (e) One citizen representing an environmental or
2 conservation organization, one citizen representing a local
3 property owner, a land developer, or an agricultural entity,
4 and one at-large citizen who shall serve as chairman of the
5 council.

6 (f) The ad hoc nonvoting members shall include one
7 representative from each of the following entities:

- 8 1. St. Johns River Management District.
- 9 2. Department of Community Affairs.
- 10 3. Department of Environmental Protection.
- 11 4. Department of Health.
- 12 5. Department of Agriculture and Consumer Services.
- 13 6. Fish and Wildlife Conservation Commission.
- 14 7. Department of Transportation.
- 15 8. MetroPlan Orlando.
- 16 9. Orlando-Orange County Expressway Authority.
- 17 10. Seminole County Expressway Authority.

18 (2) Voting members shall serve 3-year, staggered
19 terms, and shall serve without compensation but shall serve at
20 the expense of the entity they represent.

21 (3) Meetings of the commission shall be held in Lake,
22 Orange, or Seminole county at the call of the chairman, but

23 shall meet at least twice a year.
24 (4) To assist the commission in its mission, the East
25 Coast Regional Planning Council, in coordination with the
26 applicable regional and state agencies, shall serve as a
27 clearinghouse of baseline or specialized studies through
28 modeling and simulation, including collecting and
29 disseminating data on the demographics, economics, and the
30 environment of the Wekiva Study Area including the changing
31 conditions of the Wekiva River surface and groundwater basin

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1 and associated influence on the Wekiva River and the Wekiva
2 Springs.

3 (5) The commission shall report annually, no later
4 than December 31 of each year, to the Governor, the President
5 of the Senate, the Speaker of the House of Representatives,
6 and the Department of Community Affairs on implementation
7 progress.

8 Section 2. Paragraph (b) of subsection (1) of section
9 163.3184, Florida Statutes, is amended to read:

10 163.3184 Process for adoption of comprehensive plan or
11 plan amendment.--

12 (1) DEFINITIONS.--As used in this section, the term:

13 (b) "In compliance" means consistent with the
14 requirements of ss. 163.3177, 163.31776, when a local

15 government adopts an educational facilities element, 163.3178,
16 163.3180, 163.3191, and 163.3245, with the state comprehensive
17 plan, with the appropriate strategic regional policy plan, and
18 with chapter 9J-5, Florida Administrative Code, where such
19 rule is not inconsistent with this part and with the
20 principles for guiding development in designated areas of
21 critical state concern and with part III of chapter 369, where
22 applicable.

23 Section 3. Section 348.7546, Florida Statutes, is
24 created to read:

25 348.7546 Wekiva Parkway, construction authorized;
26 financing.--Notwithstanding s. 338.2275, the Orlando-Orange
27 County Expressway Authority is hereby authorized to exercise
28 its condemnation powers, construct, finance, operate, own, and
29 maintain the Wekiva Parkway as part of the authority's
30 long-range capital improvement plan. The "Wekiva Parkway"
31 means any limited access highway or expressway constructed

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1 between State Road 429 and Interstate 4 specifically
2 incorporating the corridor alignment recommended by
3 Recommendation 2 of the Wekiva River Basin Area Task Force
4 final report dated January 15, 2003, and the recommendations
5 of the SR 429 Working Group that were adopted January 16,
6 2004. This project may be financed with any funds available to

7 the authority for such purpose or revenue bonds issued by the
8 authority under s. 11, Article VII of the State Constitution
9 and s. 348.755(1)(b).

10 Section 4. Section 348.7547, Florida Statutes, is
11 created to read:

12 348.7547 Maitland Boulevard Extension and Northwest
13 Beltway Part A Realignment construction authorized;
14 financing.--Notwithstanding s. 338.2275, the Orlando-Orange
15 County Expressway Authority is hereby authorized to exercise
16 its condemnation powers, construct, finance, operate, own, and
17 maintain the portion of State Road 414 know as the Maitland
18 Boulevard Extension and the realigned portion of the Northwest
19 Beltway Part A as part of the authority's long-range capital
20 improvement plan. The Maitland Boulevard Extension will extend
21 from the current terminus of State Road 414 at U.S. 441 west
22 to State Road 429 in west Orange County. The realigned portion
23 of the Northwest Beltway Part A will run from the point at or
24 near where the Maitland Boulevard Extension will connect with
25 State Road 429 and will proceed to the west and then north
26 resulting in the northern terminus of State Road 429 moving
27 farther west before reconnecting with U.S. 441. However, under
28 no circumstances shall the realignment of the Northwest
29 Beltway Part A conflict or contradict with the alignment of
30 the Wekiva Parkway as defined in s. 348.7546. This project may
31 be financed with any funds available to the authority for such

1 purpose or revenue bonds issued by the authority under s. 11,

2 Article VII of the State Constitution and s. 348.755(1)(b).

3 Section 5. This act shall take effect July 1, 2004.

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