

Senate Bill No. 908

An act relating to the Wekiva Parkway and Protection Act; amending s. 369.318, F.S.; clarifying the Department of Environmental Protection's rulemaking authority to implement certain recommendations; requiring provisions for relief from specific recommendations under certain circumstances; amending ss. 369.319 and 369.320, F.S.; clarifying that requirements for a local government to develop a master stormwater management plan and a wastewater facility plan apply only to that portion of the local government located within the Wekiva Study Area; amending s. 369.321, F.S.; requiring local governments hosting an interchange on the Wekiva Parkway to adopt an interchange land use plan within 1 year after the interchange location is established; exempting interchanges located on Interstate 4 from the requirements for an interchange land use plan; revising the date local governments are required to adopt a 10-year water supply facility work plan; clarifying that the Department of Community Affairs reviews comprehensive plan amendments for the Wekiva Study Area under ch. 163, F.S.; amending s. 369.324, F.S.; correcting a reference to the East Central Florida Regional Planning Council; providing an effective date.

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

Section 1. Subsection (1) of section 369.318, Florida Statutes, is amended to read:

369.318 Studies.—

(1) The Department of Environmental Protection shall study the efficacy and applicability of water quality and wastewater treatment standards needed to achieve nitrogen reductions protective of surface and groundwater quality within the Wekiva Study Area and report to the Governor and the Department of Community Affairs, ~~no later than December 1, 2004. Based on the December 2004 report,~~ The Department of Environmental Protection may adopt rules to implement the specific recommendations set forth in sections C.2. and C.4. of its report entitled "A Strategy for Water Quality Protection: Wastewater Treatment in the Wekiva Study Area," dated December 2004, in order to achieve nitrogen reductions protective of surface and groundwater quality in the Wekiva Study Area and implement Recommendation 8 of the Wekiva River Basin Coordinating Committee's final report dated March 16, 2004. The rules shall provide an opportunity for relief from such specific recommendations upon affirmative demonstration by the permittee or permit applicant, based on water quality data, physical circumstances, or other credible information, that the discharge of treated wastewater is protective of surface water and groundwater quality with respect to nitrate-nitrogen as set forth in section C.1. of the referenced December 2004 report shall, if appropriate, by March 1, 2005, initiate rule-making to achieve nitrogen reductions protective of surface and groundwa-

ter quality or recommend any additional statutory authority needed to implement the report recommendations.

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

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

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

369.320 Wastewater facility plan.—

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

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

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

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

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

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

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

(4) By December 1, 2006, 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 as required by s. 163.3177(6)(c).

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

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

(7) During the period prior to the adoption of the comprehensive plan amendments required by this act, 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, pursuant to chapter 163 and chapter 9J-5, Florida Administrative Code, using best available data, including the information presented to the Wekiva River Basin Coordinating Committee.

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

369.324 Wekiva River Basin Commission.—

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

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

Approved by the Governor June 1, 2005.

Filed in Office Secretary of State June 1, 2005.