1988

Session Law 88-121

Florida Senate & House of Representatives

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Documentation List
Laws of Florida, 1988, Chapter 88-121
"An act relating to conservation..."

(Items highlighted in blue are links to documents)

01. Joint Legislative Management Committee. Division of Legislative Information. Final Legislative Bill Information, 1988 Regular Session· HB 1265 [passed bill] (p. 397) and SB 753 [substituted bill] (p. 136).

02. House Bill (HB) 1265 (1988)


04. House. Committee on Natural Resources Staff Analysis of HB 1265, May 9, 1988.

05. Committee Substitute for House Bill (CS/HB) 1265.


09. House. Committee on Natural Resources Final Staff Analysis of CS/HB 1265, July 1, 1988.

10. Senate Bill (SB) 753 (1988)


(continued on next page)


FINAL
LEGISLATIVE BILL
INFORMATION

1987 Special Sessions B, C, D
1988 Regular Session
1988 Special Sessions E, F

prepared by:

Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826 — 488-4371
H 1263 (CONTINUED)

05/01/88 SENATE Received, referred to Governmental Operations, Appropriations - SJ 620
06/07/88 SENATE Died in Committee on Governmental Operations, Iden / Sum / Compare bill passed, refer to CS/CS/ SB 792 (Ch. 88-137)

H 1264 GENERAL BILL by Clements; Renke and others (Compare S 267, S 268)

Senate Sentencing Guidelines/Repeal abolishes Sentencing Commission & repeals authorization to adopt sentencing guidelines, removes right of defendant & state to appeal sentence imposed outside range recommended by such guidelines; requires convicted felon to serve specified portion of his sentence before he may be placed on parole, etc. Repeals 921 001, 002, 949 004 (CH 88-137)

5/24/88 HOUSE Comm Report: CS by Natural Resources - HJ 675; CS read first time - HJ 674, Now in Appropriations - HJ 675, On Committee agenda - Appropriations - HJ 675, 5/24/88, 8:00 am, Norris Hall, Preliminary Committee Action by Appropriations Favorable; Comm Report: Favorable by Appropriations, placed on Calendar - HJ 675

05/26/88 HOUSE Placed on Special Order Calendar

05/30/88 HOUSE Read second time - HJ 835, Amendments adopted, Read third time, CS passed as amended, YEAS 111 NAYS 0 - HJ 836

06/05/88 SENATE Received, referred to Natural Resources and Conservation, Appropriations - SJ 620

06/03/88 SENATE Withdrawn from Natural Resources and Conservation; Appropriations - SJ 620

06/03/88 HOUSE Placed as further amended; YEAS 117 NAYS 0 - HJ 1388

06/03/88 HOUSE Ordered engrossed, then enrolled

06/17/88 HOUSE Signed by Officers and presented to Governor

06/17/88 HOUSE Approved by Governor, Chapter No. 88-121

H 1266 GENERAL BILL by Saunders; Mitchell; Lawson and others (Similar S 1117)

Marine Fisheries Commission increases membership of Marine Fisheries Commission; provides for selection of members from certain interest groups. Amends 370.026 effective date 06/01/88, 3:00 pm, Norris Hall

Amends 370.026 Effective Date: 06/01/88, 3:00 pm, Norris Hall

06/17/88 HOUSE Comm Report: CS by Natural Resources - HJ 675, CS read first time - HJ 674, Now in Appropriations - HJ 675, On Committee agenda - Appropriations - HJ 675, 05/24/88, 8:00 am, Norris Hall, Preliminary Committee Action by Appropriations Favorable; Comm Report: Favorable by Appropriations, placed on Calendar - HJ 675

05/26/88 HOUSE Placed on Special Order Calendar

05/30/88 HOUSE Read second time - HJ 835, Amendments adopted, Read third time, CS passed as amended, YEAS 111 NAYS 0 - HJ 836

06/05/88 SENATE Received, referred to Natural Resources and Conservation, Appropriations - SJ 620

06/03/88 SENATE Withdrawn from Natural Resources and Conservation; Appropriations - SJ 620

06/03/88 HOUSE Placed as further amended; YEAS 117 NAYS 0 - HJ 1388

06/03/88 HOUSE Ordered engrossed, then enrolled

06/15/88 HOUSE Signed by Officers and presented to Governor

06/17/88 HOUSE Approved by Governor, Chapter No. 88-121

H 1267 RESOLUTION by Silver; Abrams; Tobin, Liberti; Ascher; King and others (Identical S 1389, Compare H 546)

Unveil Miami & FSU (Football) commends University of Miami & Florida State University football teams

04/06/88 HOUSE Filed

04/12/88 HOUSEIntroduced, referred to Higher Education - HJ 127

(Continued on NEXT PAGE)
S 754 GENERAL BILL by Kiser (Similar CS/ENG/H 35, Compare CS/ENG/H 1610, CS/S 1083, S 1233)
Student Handbooks/Drug-Alcohol-AIDS, requires that community colleges compile & annually update student handbooks, provides for information re controlled substances, alcohol, vaccines & AIDS education to be included in community college & university student handbooks. Creates 240.391, amends 240.2097. Effective Date Upon becoming law.
04/03/88 SENATE Filed
04/14/88 SENATE Introduced, referred to Education — SJ 97
04/15/88 SENATE Extension of time granted Committee Education
04/29/88 SENATE Extension of time granted Committee Education
05/13/88 SENATE Extension of time granted Committee Education
05/27/88 SENATE Extension of time granted Committee Education
06/07/88 SENATE Died in Committee on Education, Iden./Sim. /Compare Bill passed, refer to CS/HB 1519 (Ch. 88-380)

S 755 GENERAL BILL by Weinstock (Identical H 405)
Codex & Co.-con/Officrs & Directors, authorizes condominium & cooperative associations to place certain restrictions on qualifications of officers & directors. Amends 718 112, 719 106 Effective Date 10/01/88.
04/05/88 SENATE Filed
04/14/88 SENATE Introduced, referred to Economic, Community and Consumer Affairs — SJ 98
04/15/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
04/29/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
05/13/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
05/27/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
06/07/88 SENATE Died in Committee Economic, Community and Consumer Affairs

S 756 GENERAL BILL by Weinstock (Identical H 722)
Farm Labor Registration, requires verification of compliance with certain state & federal statutes, rules & regulations prior to issuance of licenses or renewal of certificates of registration, authorizes Labor, Employment, & Training Div of Labor & Employment Security Dept to administer certain provisions re public health. Amends 450 31, creates 450 375. Effective Date 10/01/88.
04/14/88 SENATE Filed
04/15/88 SENATE Introduced, referred to Agriculture; Commerce, Appropriations — SJ 98
04/25/88 SENATE On Committee agenda — Agriculture, 04/27/88, 2:00 pm, Room B—Temporarily postponed
04/29/88 SENATE Extension of time granted Committee Agriculture, On Committee agenda— Agriculture, 05/03/88, 2:00 pm, Room B—Not considered
05/13/88 SENATE Extension of time granted Committee Agriculture
05/27/88 SENATE Extension of time granted Committee Agriculture
06/07/88 SENATE Died in Committee on Agriculture

S 757 GENERAL BILL/Cs by Economic, Community and Consumer Affairs; Kiser (Similar CS/Cs/H 306, H 438, Compare S 1516)
Health Studio Services, requires provider for cancellation of contract for future health studio services, requires registration & annual renewal of registration information; requires notification to Consumer Services Div of Agriculture & Consumer Services Dept when ownership of studio changes or studio is merged. Effective Date: Upon becoming law.
04/05/88 SENATE Filed
04/14/88 SENATE Introduced, referred to Economic, Community and Consumer Affairs, Appropriations — SJ 98
04/15/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
04/18/88 SENATE On Committee agenda— Economic, Community and Consumer Affairs, 04/25/88, 2:00 pm, Room H
04/20/88 SENATE Comm. Report. CS by Economic, Community and Consumer Affairs — SJ 166
04/25/88 SENATE CS read first time — SJ 179, Now in Appropriations— SJ 166
04/04/88 SENATE Extension of time granted Committee Appropriations
05/19/88 SENATE Extension of time granted Committee Appropriations
05/31/88 SENATE Withdrawn from Appropriations— SJ 611; Placed on Calendar
06/02/88 SENATE Placed on Special Order Calendar — SJ 713 & — SJ 715, Iden./Sim. House Bill substituted, Laid on Table under Rule, Iden./Sim./Compare Bill passed, refer to CS/HB 306 (Ch. 88-267) — SJ 762

S 758 GENERAL BILL by Thurman (Compare CS/H 1372, CS/Cs/ENG/S 634)
Medicaid Medically Needy Program, abrogates repeal of provision re Medicaid medically needy program, which provision was scheduled for repeal on October 1, 1988 Revisions/readoops 409 266(7)(k) Effective Date Upon becoming law
04/05/88 SENATE Filed
04/14/88 SENATE Introduced, referred to Health and Rehabilitative Services, Appropriations — SJ 98
Florida House of Representatives - 1988

HB 1265

By Representatives Drage, Bainter, Stone, Patchett, Martin, McEwan, Webster, Crotty, Sansom, Kelly, Reddick

A bill to be entitled
An act relating to conservation; creating part
III of chapter 369, F.S., creating the Wekiva
River Protection Act; providing definitions;
providing for review of local comprehensive
plans, land development regulations, and
certain development permits, and amendments
thereof, applicable to the Wekiva River
Protection Area; providing criteria; providing
procedures; providing duties of Orange, Lake,
and Seminole Counties, the Department of
Natural Resources, and the Land and Water
Adjudicatory Commission; requiring a report;
authorizing adoption of rules; providing
procedure for development permits and
development-of-regional-impact review within
the Wekiva River Protection Area; creating s.
373.415, F.S., directing the St. Johns River
Water Management District to establish
protection zones for regulation of certain
activities in the Wekiva River System;
requiring certain consistency with local
comprehensive plans and land development
regulations prior to processing of certain
permit applications; directing the district to
develop a groundwater basin resource
availability inventory; reserving certain
authority to the water management districts,
counties, and municipalities; providing
applicability of certain provisions for
judicial review; providing an effective date.

CODING: Words stricken are deletions; words underlined are additions.
WHEREAS, due to its unique natural beauty and its value as a habitat for plants and wildlife, the Wekiva River and its basin and tributaries are a unique and unspoiled resource of state and regional significance, and

WHEREAS, the Wekiva River provides many recreational opportunities to Florida residents as a State Canoe Trail and as an Outstanding Florida Water, an Aquatic Preserve, a Florida Scenic and Wild River, and a major tributary of the St. Johns River, and

WHEREAS, the watershed of the Wekiva River is the subject of many development proposals which will adversely affect the river and its basin and tributaries, unless such developments are carefully planned and prudently designed, and

WHEREAS, efforts to protect the Wekiva River and its basin have been implemented by Orange, Seminole, and Lake Counties, the East Central Florida Regional Planning Council, the Department of Natural Resources, the Department of Community Affairs, the Department of Environmental Regulation, and the St. Johns River Water Management District, but continued and supplementary protection efforts are needed, and

WHEREAS, the provisions in this act are necessary to protect the Wekiva River and its basin and are essential to the welfare of the people of the Wekiva River basin and of the state, NOW, THEREFORE,

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

Section 1. Part III of chapter 369, Florida Statutes, consisting of sections 369.301, 369.303, 369.305, and 369.307, is created to read:

PART III

CODING: Words stricken are deletions; words underlined are additions
369.301 Short title.--This part may be cited as the "Hekiva River Protection Act."

369.303 Definitions.--As used in this part:
2. "Counties" means Orange, Seminole, and Lake Counties.
3. "Department" means the Department of Community Affairs.
4. "Development of regional impact" means a development which is subject to the review procedures established by s. 380.06 or s. 380.065, and s. 380.07.
5. "Land development regulation" means a regulation covered by the definition in s. 163.3164(28), and any of the types of regulations described in s. 163.3202.
6. "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss. 163.3164-163.3215.
7. "Revised comprehensive plan" means a comprehensive plan prepared pursuant to ss. 163.3164-163.3215 which has been revised pursuant to chapters 85-55, 86-191, and 87-338, Laws of Florida.
8. "Hekiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Hekiva River Protection Area.
9. "Hekiva River development permit" shall not include a building permit, certificate of occupancy, or other permit relating to the compliance of a development with applicable electrical, plumbing, or other building codes.

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(9) "Wekiva River Protection Area" means the area depicted on the map entitled "Wekiva Basin, 40C-41," which is on file at the offices of the St. Johns River Water Management District, excluding that portion of the area which is south of State Road 436.

(10) "Wekiva River System" means the Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, and Seminole Creek.

369.305 Review of local comprehensive plans, land development regulations, Wekiva River development permits, and amendments.--

(11) It is the intent of the Legislature that comprehensive plans and land development regulations of Orange, Lake, and Seminole Counties be revised to protect the Wekiva River Protection Area prior to the due dates established in ss. 163.3167(2) and 163.3202 and Chapter 92-12, Florida Administrative Code. It is also the intent of the Legislature that the counties emphasize this important state resource in their planning and regulation efforts. Therefore, each county shall, by April 1, 1989, review and amend those portions of its local comprehensive plan and its land development regulations applicable to the Wekiva River Protection Area, and, if necessary, adopt additional land development regulations which are applicable to the Wekiva River Protection Area, to meet the following criteria:

(a) Each county's local comprehensive plan shall contain goals, policies, and objectives which result in the protection of the:

1. Water quantity, water quality, and hydrology of the Wekiva River System
2. Wetlands associated with the Wekiva River System

CODING: Words stricken are deletions; words underlined are additions.
3. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System;

4. Endangered or threatened species habitat within the Wekiva River Protection Area; and

5. Natural vegetation within the Wekiva River Protection Area.

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

(c) The local comprehensive plan shall require that the density or intensity of development permitted on parcels of property be concentrated on those portions of the parcels which are the farthest from the surface waters and wetlands of the Wekiva River System. However, nothing herein shall be construed to require that local comprehensive plans or land development regulations establish higher densities or intensities in the Wekiva River Protection Area than exist on the effective date of this act.

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

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(e) The local land development regulations shall implement the provisions of paragraphs (a), (b), (c), and (d).

(2) Each county shall, within 10 days of adopting any necessary amendments to its local comprehensive plan and land development regulations or new land development regulations pursuant to subsection (1), submit them to the department, which shall, within 90 days, review the amendments and any new land development regulations and make a determination.

(3) If the department determines that the local comprehensive plan and land development regulations as amended or supplemented comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to confirm its determination. If the department determines that the amendments and any new land development regulations that a county has adopted do not meet the criteria established in subsection (1), or the department receives no amendments or new land development regulations and determines that the county’s existing local comprehensive plan and land development regulations do not comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary to meet the criteria in subsection (1). A determination or petition made by the department pursuant to this subsection shall not be final agency action.

(4) The Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, shall render an order on the petition. Any local government comprehensive plan amendments directly related to the requirements of this subsection and subsections (1), (2), and (3) may be initiated by a local government.
planning agency and considered by the local governing body
without regard to statutory or local ordinance limitations on
the frequency of consideration of amendments to local
comprehensive plans.

(5) During the period of time between the effective
date of this act and the due date of a county's revised local
government comprehensive plan as established by s. 163.3167(2)
and Chapter 92-12, Florida Administrative Code, any local
comprehensive plan amendment or amendment to a land
development regulation, proposed by a county, which applies to
the Wekiva River Protection Area, or any Wekiva River
development permit proposed by a county, shall be sent to the
department within 10 days after its adoption by the local
governing body, but shall not become effective until certified
by the department as being in compliance with purposes
described in subsection (1). The department shall make its
decision on certification within 60 days after receipt of the
amendment or development permit. The department’s decision on
certification shall be final agency action. This subsection
shall not apply to any amendments or new land development
regulations adopted pursuant to subsections (1) through (4) or
to any development order approving, approving with conditions,
or denying a development of regional impact.

(6) Prior to March 1, 1990, the department shall
prepare and deliver to the Governor, the Speaker of the House
of Representatives, and the President of the Senate a report
recommending whether the reviews and certifications of
amendments to land development regulations and development
permits required under subsection (5) should be continued
after the due dates described therein.

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(7) In its review of revised comprehensive plans after the due dates described in subsection (5), and in its review of comprehensive plan amendments after those due dates, the department shall review the local comprehensive plans and any amendments, which are applicable to portions of the Wekiva River Protection Area, for compliance with the provisions of subsection (1), in addition to its review of local comprehensive plans and amendments for compliance as defined in s. 163.3184; and all the procedures and penalties described in s. 163.3184 shall be applicable to this review.

(8) The department may adopt reasonable rules and orders to implement the provisions of this section.

369.307 Developments of regional impact in the Wekiva River Protection Area.--

(1) Notwithstanding the provisions of s. 380.06(15), the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

(2) The department shall adopt, no later than December 1, 1988, rules pertaining to the aggregation of developments which are located partially or wholly within the Wekiva River Protection Area. The purpose of the rules shall be to ensure that parcels of land which are subdivided after the effective date of this act do not avoid development-of-regional-impact review, if they would have been subject to development-of-regional-impact review prior to subdivision. Notwithstanding the provisions of s. 380.06(14), such rules shall specify criteria for aggregation and shall require that one or more of

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The following factors must exist: common ownership, common
partial ownership, proximity, sharing of infrastructure,
common advertising or management, or the existence of a master
plan or other corroborative evidence or documentation.

(3) The Wekiva River Protection Area is hereby
declared to be a natural resource of state and regional
importance. The East Central Florida Regional Planning
Council shall adopt policies as part of its comprehensive
regional policy plan and regional issues list which will
protect the water quantity, water quality, hydrology,
habitats, aquatic and wetland-dependent wildlife species,
endangered and threatened species habitat, and natural
vegetation in the Wekiva River Protection Area. The council
shall also cooperate with the department in the department's
implementation of the provisions of s. 369.305.

Section 2. Section 373.415, Florida Statutes, is
created to read:

373.415 Protection zones; duties of the St. Johns
River Water Management District.--
(1) Not later than November 1, 1988, the St. Johns
River Water Management District shall adopt rules regulating
the construction, alteration, operation, maintenance,
abandonment, or removal of dams, impoundments, reservoirs,
appurtenant work, or works within protection zones established
by the district. Such protection zones shall be adjacent to
the watercourses in the Wekiva River System, as designated in
s. 369.301(10), and shall be sufficiently wide to prevent harm
to the Wekiva River System, including water quality, water
quality, hydrology, wetlands, and aquatic and wetland-
dependent wildlife species, by any of the regulated

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activities. Factors on which the widths of the protection zones shall be based shall include, but not be limited to:

(a) The biological significance of the wetlands and uplands adjacent to the designated watercourses in the Wekiva River System, including the nesting, feeding, breeding, and resting needs of aquatic species and wetland-dependent wildlife species,

(b) The sensitivity of these species to disturbance, including the short-term and long-term adaptability to disturbance of the more sensitive species, both migratory and resident,

(c) The susceptibility of these lands to erosion, including the slope, soils, runoff characteristics, and vegetative cover.

The rules may establish permitting thresholds, permitting exemptions, or general permits, if such thresholds, exemptions, or general permits do not allow significant adverse impacts to the Wekiva River System to occur individually or cumulatively.

(2) Notwithstanding the provisions of s. 120.60, the St. Johns River Water Management District shall not process any application for a permit under this part within the Wekiva River Protection Area, as defined in s. 369.303(9), until the appropriate local government has provided written notification to the district that the proposed activity is consistent with the local comprehensive plan and is in compliance with any land development regulation in effect in the area where the development will take place. The district may, however, inform any property owner who makes a request for such information as to the location of the protection zone or zones.
on his property. However, if a development proposal is
amended as the result of the review by the district, a permit
may be issued prior to the development proposal being
returned, if necessary, to the local government for additional
review.

(3) Not later than March 1, 1990, the St. Johns River
Water Management District shall develop a groundwater basin
resource availability inventory as provided in s. 373.0395 for
the Wekiva River Protection Area and shall establish minimum
flows and minimum water levels for surface watercourses in the
Wekiva River System and minimum water levels for the
groundwater in the aquifer underlying the Wekiva River
Protection Area, as provided in s. 373.042.

(4) Nothing in this section shall affect the
authority, if existing, of the St. Johns River Water
Management District or of the other water management districts
created by this chapter to adopt similar protection zones for
other watercourses.

(5) Nothing in this section shall affect the
authority, if existing, of the St. Johns River Water
Management District or of the other water management districts
created by this chapter to decline to process permits for
development which have not been determined to be consistent
with local comprehensive plans or in compliance with land
development regulations in areas outside the Wekiva River
Protection Area.

(6) Nothing in this section shall affect the authority
of counties or municipalities to establish setbacks from any
surface waters or watercourses.

(7) The provisions of s. 373.617 are applicable to
final actions of the St. Johns River Water Management District.
with respect to a permit or permits issued pursuant to this section.

Section 3. This act shall take effect upon becoming a law.

HOUSE SUMMARY

Creates the Hekiva River Protection Act. Provides definitions. Provides for review of local comprehensive plans, land development regulations, and certain development permits, and amendments thereto, applicable to the Hekiva River Protection Area, as defined in the act. Provides criteria and procedures for such review.

Provides duties of Orange, Lake, and Seminole Counties, the Department of Natural Resources, and the Land and Water Adjudicatory Commission. Requires the department to report to the Governor and Legislature on continuation of such review. Authorizes the department to adopt rules. Provides procedure for development permits and development-of-regional-impact review within the protection area. Directs the St. Johns River Water Management District to establish protection zones for regulation of certain activities in the Hekiva River System, as defined in the act. Requires certain consistency with local comprehensive plans and land development regulations prior to processing of certain permit applications. Directs the district to develop a groundwater basin resource availability inventory by a specified date. Reserves to the water management districts certain authority with respect to protection zones and processing of permits for development, and reserves to counties and municipalities authority to establish setbacks from surface waters and watercourses.

Provides applicability of certain provisions for judicial review.

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MEMORANDUM

To: Representatives Drage, Bainter and Stone

From: Dana D. Minerva, Staff Attorney
House Committee on Natural Resources

After reviewing my notes and the bill, this is the list that I came up with of changes to the Wekiva River Bill:

page 4, lines 1-5
Revise the Wekiva River Protection Area consistent with discussions. Discuss the boundaries of the area with Commissioners Streetman, Carter and Bailey of Seminole, Orange, and Lake Counties respectively

Page 4, lines 26-31; page 5, lines 1-30, and page 6, lines 1-2
Make these criteria more specific as per the recommendations of the Task Force and David Gluckman

Page 5, line 3
Check on the effects of specifying the federal or state lists of endangered or threatened species. Also, the effect of including species of special concern (Here and throughout the bill)

Page 5, lines 12-20
Add some language clarifying that this doesn't apply to parcels not adjacent to the river system. Also, add some language encouraging local governments to shift density upland on the same parcels, if this is not inconsistent with current local policy (such as Seminole County's)

Page 8, lines 22-31 and page 9, lines 1-4
Replace aggregation language with language reducing the DRI thresholds by 50%

Page 9, line 16
Insert language expressing legislative desire that CARL projects in the area be given priority

Page 9, line 18
Discuss with the attorneys from the water management district whether there is any language that would protect the work they are doing now on their rule and put it somewhere in this section

Page 10, line 22
Strike process, and insert issue

Page 11, line 6
Strike 1990, and insert 1991 and discuss the area to be covered with Pat Harden

Page 11, lines 15-16
Strike if existing, of the St. Johns River Water Management District or of the other and insert of

Yesterday, I had a visit from Jim Farr, who is the DCA biologist who was at the meeting, he gave me the attached criteria for the local planning regulation requirements of the bill. I will try to combine these with the ones that David Gluckman suggested.

Jim also brought the attached draft task force report. It won't be finalized until May 20.

Also, Henry Dean brought by the language on the second attached page relating to the protection zones. I believe that it is technical.

As I said before, I don't really think that this can be done well as several amendments, it should be done as one amendment striking everything after the enacting clause.

Please let me know if you recall any changes that I haven't considered
I. SUMMARY:

A. PRESENT SITUATION:

The spring-fed Wekiva River and its tributaries, located in Orange, Seminole and Lake counties, are an important state resource providing a habitat for plants and wildlife and recreational opportunities for Florida residents. The Wekiva River has been designated as an Outstanding Florida Water, an Aquatic Preserve, and a Florida Scenic and Wild River. Additionally, the Wekiva River is a major tributary of the St. Johns River. Explosive growth associated with the tourism in the Orlando area has caused the watershed of the Wekiva River to become the site of many development proposals.

The Local Government Comprehensive Planning and Land Development Regulation Act (Sections 163.3161-.3215, Florida Statutes) and its implementing regulations require the local governments in the area to revise their comprehensive plans and land development regulations so as to provide improved planning and land development regulations to protect natural resources. However, the comprehensive plans of Orange, Lake, and Seminole counties are not required to be amended and submitted to the Department of Community Affairs until December 1, 1990, February 1, 1991, and April 1, 1991, respectively. Land development regulations implementing these plans are not required to be adopted by local governments until one year after these submission dates.

The St. Johns Water Management District governing board on one occasion considered a rule establishing buffer zones along the Wekiva River and its tributaries designed to protect wetlands and aquatic and wetland-dependent wildlife species, but withdrew the rule after opponents of the rule threatened to challenge it. The board also rejected a petition for rulemaking requesting that the board adopt a buffer zone rule for the Wekiva. The decision not...
to adopt the rule has been appealed to the Governor and Cabinet. However, the District is now considering another buffer rule.

Governor Martinez created the Wekiva River Task Force on January 20, 1988, to review current threats to the Wekiva River and propose additional measures deemed necessary to fully protect the Wekiva River. The report containing the recommendations is expected to be complete on May 20, 1988.

B. EFFECT OF PROPOSED CHANGES:

This bill adds Part III to chapter 369, Florida Statutes, creating the Wekiva River Protection Act. The bill requires that Orange, Seminole and Lake counties revise their local comprehensive plans and land development regulations by April 1, 1989, to meet criteria in the bill relating to protection of the Wekiva River Protection Area, an area defined by the bill.

Procedures for review of portions of the three counties' plans and regulations affecting the Wekiva River Protection Area by the Department of Community Affairs and the Governor and Cabinet sitting as the Land and Water Adjudicatory Commission are included in the bill. The bill also provides for a sixty day Department review and approval or disapproval of land use decisions and development permits during the period of time between the effective date of the act and the due dates of the counties' local plans and requires that the department submit a report to the Governor, Speaker of the House, and President of the Senate recommending whether the reviews and certifications of development permits should be continued after the due dates described therein. The department is authorized to adopt rules and orders relating to these reviews.

The bill requires that development of regional impact (DRI) development orders be considered and issued at the same time as other development permits for the area and directs the department to adopt a rule pertaining to aggregation of developments for DRI review, so as to prevent the subdivision of land for the purposes of avoiding DRI review. The bill directs the East Central Regional Planning Council to adopt policies as part of its comprehensive regional policy plan and regional issues list which protect the Wekiva River.

Section 373.415 is created requiring the St. Johns Water Management District (SJRWMD) to adopt rules relating to development within Wekiva River Protection Zones established by the district. The district must establish protection zones, the width of which shall be governed by criteria specified in the statute.

Processing of applications and issuance of certain permits by the district is prohibited unless the district has received written notice by local government officials that the development is consistent with the local comprehensive plan and land development regulations. The district is also required to develop a groundwater basin resource availability inventory and minimum
flows and levels for watercourses and groundwater in the Wekiva River Protection Area.

This bill does not affect the authority of the water management districts to decline to process permits for developments that are not consistent with local comprehensive plans or land use regulations outside the Wekiva River Protection Area or to establish similar protection zones. The authority of counties and municipalities to establish setbacks from any surface waters or water courses is not affected.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Creates the Wekiva River Protection Act; provides definitions; provides duties of Orange, Lake, and Seminole counties to adopt amendments to local comprehensive plans to meet criteria of Wekiva River Protection act and to adopt land use regulations to implement this act; provides for department review of local comprehensive plans, land development regulations, amendments and Wekiva River development permits for consistency with the Wekiva River Protection Act; provides procedures for review; provides duties of Land and Water Adjudicatory Commission; requires a report; authorizes department adoption of rules and orders to implement this act; provides procedure for development permits and DRI review within the Wekiva River Protection Area; declares the Wekiva River Protection Area a natural resource of state and regional importance and requires the East Central Florida Regional Planning Council to adopt policies recognizing this designation.

Section 2 -- Creates s. 373.415, Florida Statutes, directing the SJRWMD to establish protection zones for regulation of certain activities in the Wekiva River system; requires consistency with local comprehensive plans and land development regulations prior to processing of applications by the SJWMD; directs the district to develop a groundwater basin resource availability inventory and minimum flows and levels; reserves certain authority to the water management districts, counties, and municipalities; provides applicability of certain provisions for judicial review.

Section 3 -- Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

   The Department of Community Affairs estimates that $1,464 in Operating Capital Outlay will be required.

2. Recurring or Annualized Continuation Effects:

   The Department of Community Affairs estimates that $37,810 salaries and expenses will be needed to hire one full time planner to implement the bill.
3. **Long Run Effects Other Than Normal Growth:**
   
   None.

4. **Appropriations Consequences:**
   
   See above.

B. **FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. **Non-recurring or First Year Start-Up Effects:**
   
   Orange, Lake and Seminole counties will be required to improve their comprehensive plans and land development regulations. This may involve costs in addition to the costs of the plan revisions and land development regulations required by the Local Government Comprehensive Planning and Land Development Regulation Act.

2. **Recurring or Annualized Continuation Effects:**
   
   None.

3. **Long Run Effects Other Than Normal Growth:**
   
   None.

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. **Direct Private Sector Costs:**
   
   Developers in the Wekiva River area may experience increased costs due to more stringent regulations.

2. **Direct Private Sector Benefits:**
   
   None.

3. **Effects on Competition, Private Enterprise, and Employment Markets:**
   
   None.

D. **FISCAL COMMENTS:**

   None.

III. **LONG RANGE CONSEQUENCES:**

   None.

IV. **COMMENTS:**

   None.

V. **AMENDMENTS:**

   None.
None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Dana Minerva

FINANCE & TAXATION:
Prepared by: Barry Kling

APPROPRIATIONS:
Prepared by: [Signature]

Staff Director: [Signature]
A bill to be entitled
An act relating to conservation; creating part
III of chapter 369, F.S.; creating the Wekiva
River Protection Act; providing definitions;
providing for review of local comprehensive
plans, land development regulations, and
certain development permits, and amendments
thereof, applicable to the Wekiva River
Protection Area; providing criteria; providing
procedures; providing duties of Orange, Lake,
and Seminole Counties, the Department of
Community Affairs, and the Land and Water
Adjudicatory Commission; requiring a report;
authorizing adoption of rules; providing
procedure for development permits and
development-of-regional-impact review within
the Wekiva River Protection Area; creating s.
373.415, F.S., directing the St. Johns River
Water Management District to establish
protection zones to prevent certain harm to the
Wekiva River System; requiring certain
consistency with local comprehensive plans and
land development regulations prior to issuance
of certain permits; directing the district to
develop a groundwater basin resource
availability inventory; reserving certain
authority to the water management districts,
counties, and municipalities; providing
applicability of certain provisions for
judicial review; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Part III of chapter 369, Florida Statutes, consisting of sections 369.301, 369.303, 369.305, and 369.307, is created to read:

PART III

MEKIVA RIVER PROTECTION

369.301 Short title.--This part may be cited as the "MeKiva River Protection Act."

369.303 Definitions.--As used in this part:

2. "Counties" means Orange, Seminole, and Lake Counties.
3. "Department" means the Department of Community Affairs.
4. "Development of regional impact" means a development which is subject to the review procedures established by s. 380.06 or s. 380.065, and s. 380.07.
5. "Land development regulation" means a regulation covered by the definition in s. 163.3164(22), and any of the types of regulations described in s. 163.3202.
6. "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss. 163.3164-163.3215.
7. "Revised comprehensive plan" means a comprehensive plan prepared pursuant to ss. 163.3164-163.3215 which has been revised pursuant to chapters 85-55, 86-191, and 87-338, laws of Florida, and subsequent laws amending said sections.
8. "MeKiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of

CODING: Words stricken are deletions; words underlined are additions.
local government having the effect of permitting the
development of land in the Wekiva River Protection Area.

"Wekiva River development permit" shall not include a building
permit, certificate of occupancy, or other permit relating to
the compliance of a development with applicable electrical,
plumbing, or other building codes.

9. "Wekiva River Protection Area" means the lands
within: Township 18 south range 28 east; Township 19 south
range 29 east; Township 19 south range 28 east, less those
lands lying west of a line formed by County Road 437, State
Road 46, and County Road 435; Township 19 south range 29 east;
Township 20 south range 28 east, less all lands lying west of
County Road 435; and Township 20 south range 29 east, less all
those lands east of Longwood Markham Road.

10. "Wekiva River System" means the Wekiva River, the
Little Wekiva River, Black Water Creek, Rock Springs Run,
Sulphur Run, and Seminole Creek.

369.305 Review of local comprehensive plans, land
development regulations, Wekiva River development permits, and
amendments.--

11. It is the intent of the Legislature that
comprehensive plans and land development regulations of
Orange, Lake, and Seminole Counties be revised to protect the
Wekiva River Protection Area prior to the due dates
established in ss. 163.3167(f) and 163.3202 and Chapter 9J-12.

Florida Administrative Code. It is also the intent of the
Legislature that the counties emphasize this important state
resource in their planning and regulation efforts. Therefore,
each county shall, by April 1, 1989, review and amend those
portions of its local comprehensive plan and its land
development regulations applicable to the Wekiva River.
Protection Area, and, if necessary, adopt additional land development regulations which are applicable to the Wekiva River Protection Area, to meet the following criteria:

(a) Each county's local comprehensive plan shall contain goals, policies, and objectives which result in the protection of the:

1. Water quantity, water quality, and hydrology of the Wekiva River System
2. Wetlands associated with the Wekiva River System
3. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System
4. Habitat within the Wekiva River Protection Area of species designated pursuant to Rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, and
5. Native vegetation within the Wekiva River Protection Area.

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

1. Provisions to ensure the preservation of sufficient habitat for feeding, nesting, roosting, and resting so as to maintain viable populations of species designated pursuant to Rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, within the Wekiva River Protection Area.
2. Restrictions on the clearing of native vegetation within the 100-year floodplain.
3. Prohibition of development that is not low-density residential in nature, unless that development has less

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impacts on natural resources than low-density residential development.

4. Provisions for setbacks along the Wekiva River for areas that do not fall within the protection zones established pursuant to s. 373.415.

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

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

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

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

   (d) The local comprehensive plan shall require that parcels of land adjacent to the surface waters and watercourses of the Wekiva River System not be subdivided so as to interfere with the implementation of protection zones as established pursuant to s. 373.415, any applicable setbacks from the surface waters in the Wekiva River System which are established by local governments, or the policy established in paragraph (c), of concentrating development in the Wekiva River Protection Area as far from the surface waters and wetlands of the Wekiva River System as practicable.
(e) The local land development regulations shall implement the provisions of paragraphs (a), (b), (c), and (d), and shall also include restrictions on the location of septic tanks and drainfields in the 100-year flood plain and discharges of stormwater to the Wekiva River System.

(2) Each county shall, within 10 days of adopting any necessary amendments to its local comprehensive plan and land development regulations or new land development regulations pursuant to subsection (1), submit them to the department, which shall, within 90 days, review the amendments and any new land development regulations and make a determination.

(3) If the department determines that the local comprehensive plan and land development regulations as amended or supplemented comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to confirm its determination. If the department determines that the amendments and any new land development regulations that a county has adopted do not meet the criteria established in subsection (1), or the department receives no amendments or new land development regulations and determines that the county's existing local comprehensive plan and land development regulations do not comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary to meet the criteria in subsection (1). A determination or petition made by the department pursuant to this subsection shall not be final agency action.

(4) The Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, shall render an order on the

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petition. Any local government comprehensive plan amendments
directly related to the requirements of this subsection and
subsections (1), (2), and (3) may be initiated by a local
planning agency and considered by the local governing body
without regard to statutory or local ordinance limitations on
the frequency of consideration of amendments to local
comprehensive plans.

(5) During the period of time between the effective
date of this act and the due date of a county’s revised local
government comprehensive plan as established by s. 163.3167(2)
and Chapter 93-12, Florida Administrative Code, any local
comprehensive plan amendment or amendment to a land
development regulation, proposed by a county, which applies to
the Wekiva River Protection Area, or any Wekiva River
development permit proposed by a county, shall be sent to the
department within 10 days after its adoption by the local
governing body, but shall not become effective until certified
by the department as being in compliance with purposes
described in subsection (1). The department shall make its
decision on certification within 60 days after receipt of the
amendment or development permit. The department's decision on
certification shall be final agency action. This subsection
shall not apply to any amendments or new land development
regulations adopted pursuant to subsections (1) through (4) or
to any development order approving, approving with conditions,
or denying a development of regional impact.

(6) Prior to March 1, 1990, the department shall
prepare and deliver to the Governor, the Speaker of the House
of Representatives, the Minority Leader of the House of
Representatives, the President of the Senate, and the Minority
Leader of the Senate, a report recommending whether the

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reviews and certifications of amendments to land development
regulations and development permits required under subsection
(5) should be continued after the due dates described therein.

(7) In its review of revised comprehensive plans after
the due dates described in subsection (5), and in its review
of comprehensive plan amendments after those due dates, the
department shall review the local comprehensive plans, and any
amendments, which are applicable to portions of the Hekiva
River Protection Area, for compliance with the provisions of
subsection (1), in addition to its review of local
comprehensive plans and amendments for compliance as defined
in s. 163.3184, and all the procedures and penalties described
in s. 163.3184 shall be applicable to this review.

(8) The department may adopt reasonable rules and
orders to implement the provisions of this section.

369.307 Developments of regional impact in the Hekiva
River Protection Area.

(1) Notwithstanding the provisions of s. 380.06(15),
the counties shall consider and issue the development permits
applicable to a proposed development of regional impact which
is located partially or wholly within the Hekiva River
Protection Area at the same time as the development order
approving, approving with conditions, or denying a development
of regional impact.

(2) Notwithstanding the provisions of s. 380.06(15) or
any other provisions of chapter 380, the numerical standards
and guidelines provided in Chapter 28-24, Florida
Administrative Code, shall be reduced by 50 percent as applied
to proposed developments entirely or partially located within
the Hekiva River Protection Area.

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The Hekiva River Protection Area is hereby declared to be a natural resource of state and regional importance. The East Central Florida Regional Planning Council shall adopt policies as part of its comprehensive regional policy plan and regional issues list which will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, and the habitat of species designated pursuant to Rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, and native vegetation in the Hekiva River Protection Area. The council shall also cooperate with the department in the department's implementation of the provisions of s. 369.305.

The selection committee created in s. 259.035 is directed to reevaluate its priority list to assure that lands within the Hekiva River Protection Area that are proposed for state acquisition are prioritized in such a way as to give high priority to their acquisition if, in the judgment of the selection committee, they cannot be protected adequately by application of this part and s. 373.415.

Section 373.415, Florida Statutes, is created to read:

"373.415 Protection zones; duties of the St. Johns River Water Management District.—

(1) Not later than November 1, 1988, the St. Johns River Water Management District shall adopt rules establishing protection zones adjacent to the watercourses in the Hekiva River System, as designated in s. 369.303(10). Such protection zones shall be sufficiently wide to prevent harm to the Hekiva River System, including water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent wildlife species, caused by any of the activities covered by the regulations adopted under subsection (1) of s. 369.303(10)."

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regulated under this part. Factors on which the widths of the
protection zones shall be based shall include, but not be
limited to:
(a) The biological significance of the wetlands and
uplands adjacent to the designated watercourses in the Wekiva
River System, including the nesting, feeding, breeding, and
resting needs of aquatic species and wetland-dependent
wildlife species;
(b) The sensitivity of these species to disturbance,
including the short-term and long-term adaptability to
disturbance of the more sensitive species, both migratory and
resident;
(c) The susceptibility of these lands to erosion,
including the slope, soils, runoff characteristics, and
vegetative cover.

In addition, the rules may establish permitting thresholds,
permitting exemptions, or general permits, if such thresholds,
exemptions, or general permits do not allow significant
adverse impacts to the Wekiva River System to occur
individually or cumulatively.

(2) Notwithstanding the provisions of s. 120.60, the
St. Johns River Water Management District shall not issue any
permit under this part within the Wekiva River Protection
Area, as defined in § 367.303(9), until the appropriate local
government has provided written notification to the district
that the proposed activity is consistent with the local
comprehensive plan and is in compliance with any land
development regulation in effect in the area where the
development will take place. The district may, however,
inform any property owner who makes a request for such
information as to the location of the protection zone or zones
on his property. However, if a development proposal is
amended as the result of the review by the district, a permit
may be issued prior to the development proposal being
returned, if necessary, to the local government for additional
review.

(3) Not later than March 1, 1991, the St. Johns River
Water Management District shall develop a groundwater basin
resource availability inventory as provided in s. 373.0395 for
the Melkava River Protection Area and shall establish minimum
flows and minimum water levels for surface watercourses in the
Melkava River System and minimum water levels for the
groundwater in the aquifer underlying the Melkava Basin as
depicted on the map entitled "Melkava Basin, 40C-41" which is
on file at the offices of the St. Johns River Water Management
District.

(4) Nothing in this section shall affect the authority
of the water management districts created by this chapter to
adopt similar protection zones for other watercourses.

(5) Nothing in this section shall affect the authority
of the water management districts created by this chapter to
decline to issue permits for development which have not been
determined to be consistent with local comprehensive plans or
in compliance with land development regulations in areas
outside the Melkava River Protection Area.

(6) Nothing in this section shall affect the authority
of counties or municipalities to establish setbacks from any
surface waters or watercourses.

(7) The provisions of s. 373.617 are applicable to
final actions of the St. Johns River Water Management District

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Section 3. This act shall take effect upon becoming a law.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

<table>
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<tr>
<th>with respect to a permit or permits issued pursuant to this section.</th>
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<td>Section 3. This act shall take effect upon becoming a law.</td>
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HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
(As Revised by the Committee on Appropriations)
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 1265

RELATING TO: Conservation

SPONSOR(S): Natural Resources and Representatives Drage, Bainter, Stone and Martin

EFFECTIVE DATE: Upon becoming law

COMPANION BILL(S): SB 753

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2) 

I. SUMMARY:

A. PRESENT SITUATION:

The spring-fed Wekiva River and its tributaries, located in Orange, Seminole and Lake counties, are an important state resource providing a habitat for plants and wildlife and recreational opportunities for Florida residents. The Wekiva River has been designated as an Outstanding Florida Water, an Aquatic Preserve, and a Florida Scenic and Wild River. Additionally, the Wekiva River is a major tributary of the St. Johns River. Explosive growth associated with the tourism in the Orlando area has caused the watershed of the Wekiva River to become the site of many development proposals.

The Local Government Comprehensive Planning and Land Development Regulation Act (Sections 163.3161-.3215, Florida Statutes) and its implementing regulations require the local governments in the area to revise their comprehensive plans and land development regulations so as to provide improved planning and land development regulations to protect natural resources. However, the comprehensive plans of Orange, Lake, and Seminole counties are not required to be amended and submitted to the Department of Community Affairs until December 1, 1990, February 1, 1991, and April 1, 1991, respectively. Land development regulations implementing these plans are not required to be adopted by local governments until one year after these submission dates.

The St. Johns Water Management District governing board on one occasion considered a rule establishing buffer zones along the Wekiva River and its tributaries designed to protect wetlands and aquatic and wetland-dependent wildlife species, but withdrew the rule after opponents of the rule threatened to challenge it. The board also rejected a petition for rulemaking requesting that the board adopt a buffer zone rule for the Wekiva. The decision not to adopt the rule has been appealed to the Governor and Cabinet. However, the District is now considering another buffer rule.

Governor Martinez created the Wekiva River Task Force on January 20, 1988, to review current threats to the Wekiva River and propose additional measures.
deemed necessary to fully protect the Wekiva River. The report containing the recommendations is expected to be complete on May 20, 1988.

B. EFFECT OF PROPOSED CHANGES:

This bill adds Part III to chapter 369, Florida Statutes, creating the Wekiva River Protection Act. The bill requires that Orange, Seminole and Lake counties revise their local comprehensive plans and land development regulations by April 1, 1989, to meet criteria in the bill relating to protection of the Wekiva River Protection Area, an area defined by the bill.

Procedures for review of portions of the three counties' plans and regulations affecting the Wekiva River Protection Area by the Department of Community Affairs and the Governor and Cabinet sitting as the Land and Water Adjudicatory Commission are included in the bill. The bill also provides for a sixty day Department review and approval or disapproval of land use decisions and development permits during the period of time between the effective date of the act and the due dates of the counties' local plans and requires that the department submit a report to the Governor, Speaker of the House, and President of the Senate recommending whether the reviews and certifications of development permits should be continued after the due dates described therein. The department is authorized to adopt rules and orders relating to these reviews.

The bill requires that development of regional impact (DRI) development orders be considered and issued at the same time as other development permits for the area. Additionally, the bill provides that the numerical standards and guidelines for determining whether a development is a DRI provided in Chapter 28-24, Florida Administrative Code, shall be reduced by 50 percent as applied to proposed developments entirely or partially located within the Wekiva River Protection Area. The bill also directs the East Central Regional Planning Council to adopt policies as part of its comprehensive regional policy plan and regional issues list which protect the Wekiva River.

Section 373.415 is created, requiring the St. Johns Water Management District (SJRWMD) to adopt rules establishing protection zones adjacent to the watercourses in the Wekiva River System, the width of which shall be governed by criteria specified in the statute.

The issuing of permits by the district is prohibited unless the district has received written notice by local government officials that the development is consistent with the local comprehensive plan and land development regulations. The district is also required to develop a groundwater basin resource availability inventory and minimum flows and levels for watercourses and groundwater in the Wekiva River Basin as described in the bill.

This bill does not affect the authority of the water management districts to decline to process permits for developments that are not consistent with local comprehensive plans or land use regulations outside the Wekiva River Protection Area or to establish similar protection zones. The authority of counties and municipalities to establish setbacks from any surface waters or water courses is not affected.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Creates the Wekiva River Protection Act; provides definitions; provides duties of Orange, Lake, and Seminole counties to adopt amendments to
local comprehensive plans to meet criteria of Wekiva River Protection act and to adopt land use regulations to implement this act; provides for department review of local comprehensive plans, land development regulations, amendments and Wekiva River development permits for consistency with the Wekiva River Protection Act; provides procedures for review; provides duties of Land and Water Adjudicatory Commission; requires a report; authorizes department adoption of rules and orders to implement this act; provides procedure for development permits and DRI review within the Wekiva River Protection Area; declares the Wekiva River Protection Area a natural resource of state and regional importance and requires the East Central Florida Regional Planning Council to adopt policies recognizing this designation.

Section 2 -- Creates s. 373.415, Florida Statutes, directing the SJRWMD to establish protection zones for regulation of certain activities in the Wekiva River system; requires consistency with local comprehensive plans and land development regulations prior to processing of applications by the SJWMD; directs the district to develop a groundwater basin resource availability inventory and minimum flows and levels; reserves certain authority to the water management districts, counties, and municipalities; provides applicability of certain provisions for judicial review.

Section 3 -- Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

<table>
<thead>
<tr>
<th>A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:</th>
<th>FY 88-89</th>
<th>FY 89-90</th>
<th>FY 90-91</th>
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<tbody>
<tr>
<td>1. Non-recurring or First Year Start-Up Effects: None</td>
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<td>2. Recurring or Annualized Continuation Effects: None</td>
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<td>3. Long Run Effects Other Than Normal Growth: None</td>
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<td>4. Appropriations Consequences: None</td>
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| B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE: |
|---------------------------------|----------|----------|----------|
| 1. Non-recurring or First Year Start-Up Effects: None |
| 2. Recurring or Annualized Continuation Effects: Local governments are required to adopt amendments to local comprehensive plans to meet criteria promulgated by the act. Additionally, local governments are to adopt land use regulations. |
3. Long Run Effects Other Than Normal Growth:
   None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   Developers in the Wekiva River area may experience increased costs due to more stringent regulations.

2. Direct Private Sector Benefits:
   Preservation of the Wekiva River may enhance its natural beauty, and thus the quality of life of those living in the area.

3. Effects on Competition, Private Enterprise, and Employment Markets:
   None

D. FISCAL COMMENTS:
   It is estimated that the Department of Community Affairs can implement the provisions of the bill within existing resources.

III. LONG RANGE CONSEQUENCES:
   None.

IV. COMMENTS:
   None.

V. AMENDMENTS:
   None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:
   Dana Minerva

FINANCE & TAXATION:
Prepared by:

APPROPRIATIONS:
Prepared by:

Staff Director:
Barry Kling

Staff Director:

Dr. James A. Zingale

STANDARD FORM 3/88
Journal

of the

Florida

House of Representatives

Ninetieth

Regular Session

since Statehood in 1845

April 5 through June 7, 1988

[Including a record of transmittal of Acts subsequent to sine die adjournment]
providing for temporary permit, providing for the display of licenses, regulation; creating the “Dietetics and Nutrition Practice Act,” providing legislative purpose, providing definitions, requiring licensure of practitioners of dietetics and nutrition, providing exemptions, for the creation, powers, duties, and membership of the Dietetics and Nutrition Practice Council, providing powers and duties of the Board of Medicine in regulating the practice of dietetics and nutrition, providing for the adoption of fees and providing fee caps, specifying requirements for licensure as a dietitian/nutritionist or nutrition counselor, providing for waiver of certain requirements, providing for temporary permits, providing for the display of licenses, providing for licensure by endorsement, providing for biennial license renewal; providing for inactive status of licenses, providing practice requirements, providing prohibitions and penalties, providing grounds for disciplinary actions, providing for future review and repeal; providing an effective date

—a similar or companion measure, was substituted for CS/HB 161 and read the second time by title. Under the rules, the House bill was laid on the table

On motion by Rep Metcalf, the rules were waived by two-thirds vote and the bill was read a third time by title. On passage, the vote was: Yeas—113

The Chair Frankel Kelly Renke
Abrams Frankel King Rochlin
Arnold Friedman Langton Rochlin
Ascherl Frshe Lawson Rudd
Banter Gardner Lewis Rush
Bannan Glickman Liberti Sample
Bankhead Gonzalez- Lippman Sanders
Bass Quevedo Locke Sansom
Bell Goode Logan Saunders
Bloom Gordon Lombard Silver
Bronson Grindle Long Simon
Brown Guber Mackenzie Simone
Burke Gustafson Mackey Smith
Burnsed Gutman Martines Soto
Canady Hankson McEwan Stark
Carlton Harden Meffert Stone
Carpenter Hargrett Messersmith Thomas
Cass Harris Metcalf Tobassen
Clark Hawkins Mitchell Ton
Clements Healey Morse Trammell
Cosgrove Hill Northam Troxler
Crady Holland Nergard Upchurch
Crotty Irvine Ostrau Wallace
Dantziel Jennings Patchett Webster
Davis Johnson, B L Peeples Wetherell
Diaz-Balart Johnson, R C Press Wise
Dram Jones, C F Reaves Woodruff
Dunbar Jones, D L Reddick Young

Nays—None

Votes after roll call
Yees—Deutsch, Titone
Yees to Nays—Lombard, Hill

So the bill passed and was immediately certified to the Senate.

CS/HB 1133—A bill to be entitled An act relating to state employment, amending s 110 205, F S, revising an exemption from career service for the Florida School for the Deaf and the Blind; specifying that salaries for certain personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees of the school; providing an effective date

—was read the second time by title. On motion by Rep. Upchurch, the rules were waived by two-thirds vote and the bill was read a third time by title. On passage, the vote was: Yeas—111

The Chair Figg Kelly Rehm
Abrams Frankel King Renke
Arnold Friedman Langton Rochlin
Ascherl Frshe Lawson Rudd
Banter Gardner Lewis Rush
Bannan Glickman Liberti Sample
Bankhead Gonzalez- Lippman Sanders
Bass Quevedo Locke Sansom
Bell Goode Logan Saunders
Bloom Gordon Lombard Silver
Bronson Grindle Long Simon
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Davis Johnson, B L Peeples Wetherell
Diaz-Balart Johnson, R C Press Wise
Dram Jones, C F Reaves Woodruff
Dunbar Jones, D L Reddick Young

Nays—None

Votes after roll call
Yees—Deutsch, Titone

So the bill passed and was immediately certified to the Senate.

CS/HB 1265—A bill to be entitled An act relating to conservation, creating part III of chapter 369, F S, creating the Wekiva River Protection Act, providing definitions, providing for review of local comprehensive plans, land development regulations, and certain development permits, and amendments thereto, applicable to the Wekiva River Protection Area, providing criteria, providing procedures, providing duties of Orange, Lake, and Seminole Counties, the Department of Community Affairs, and the Land and Water Adjudicatory Commission, requiring a report, authorizing adoption of rules, providing procedure for development permits and development-of-regional-impact review within the Wekiva River Protection Area, creating s 373 415, F S, directing the St. Johns River Water Management District to establish protection zones to prevent certain harm to the Wekiva River System, requiring certain consistency with local comprehensive plans and land development regulations prior to issuance of certain permits; directing the district to develop a groundwater basin resource availability inventory, reserving certain authority to the water management districts, counties, and municipalities, providing applicability of certain provisions for judicial review, providing an effective date

—was read the second time by title. Representatives Drage and Banter offered the following amendment

Representatives Drage and Banter offered the following amendment...
Amendment 1—On page 7, lines 13 and 15, strike “proposed” and insert adopted

Rep Bainter moved the adoption of the amendment, which was adopted.

Representatives Drage and Bainter offered the following amendment:

Amendment 2—On page 9, lines 13-19, strike all of said lines

Rep Bainter moved the adoption of the amendment, which was adopted without objection

On motion by Rep Drage, the rules were waived by two-thirds vote and CS/HB 1265, as amended, was read the third time by title. On passage, the vote was:

Yeas—111

Nays—None

Votes after roll call.

Yeas—Deutsch, Titone

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 421—A bill to be entitled An act relating to health insurance; amending ss 627.6417 and 627.6612, F.S., requiring individual and group, blanket, or franchise accident or health insurance policies providing coverage for mastectomies to provide coverage for mammograms for screening and diagnostic purposes, providing conditions, providing an effective date

—was read the second time by title

Representative Gordon offered the following amendment:

Amendment 1—On page 4, line 14, strike all of said line and insert: Section 3 Section 627.6406, Florida Statutes, is amended to read

627.6406 Maternity care — Any policy of health insurance that provides coverage for maternity care shall provide coverage for the services of nurse-midwives, midwives, and birth centers, and the services of birth centers licensed pursuant to chapter 467, and the services of birth centers licensed pursuant to ss 383.30-383.335

Section 4 Paragraph (c) of subsection (2) of section 627.6515, Florida Statutes, is amended to read

627.6515 Out-of-state groups.—

(2) This part does not apply to a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage if

(c) The policy provides the benefits specified in ss 627.6574, 627.6575, 627.6579, 627.667, and 627.6675

Section 5 Section 627.6574, Florida Statutes, is amended to read

627.6574 Maternity care — Any group, blanket, or franchise policy of health insurance that provides coverage for maternity care shall also cover the services of certified nurse-midwives and midwives licensed pursuant to chapter 467, and the services of birth centers licensed pursuant to ss 383.30-383.335

Section 6 Subsection (16) is added to section 641.31, Florida Statutes, to read

641.31 Health maintenance contracts —

(16) Health maintenance contracts which provide coverage, benefits, or services for maternity care shall provide, as an option to the subscriber, the services of nurse-midwives and midwives licensed pursuant to chapter 467, and the services of birth centers licensed pursuant to ss 383.30-383.335

Section 7 This act shall take effect October 1, 1988, and shall apply to policies and contracts issued, amended, delivered or renewed on or after October 1, 1988.

Rep. Gordon moved the adoption of the amendment, which was adopted.

Representative Gordon offered the following title amendment:

Amendment 2—On page 1, line 8, insert after the second semicolon

Representative Abrams offered the following amendment:

Amendment 3—On page 1, line 13, insert. Section 1. Section 627.6415, Florida Statutes, is amended to read

627.6415 Coverage for adopted children upon placement in residence — All health insurance policies which provide coverage for a member of the family of the insured shall, as to such family member’s coverage, also provide that the health insurance benefits applicable for children shall be payable with respect to an adopted child if the child is a child of the insured, which child is placed in compliance with chapter 63, from the moment of placement in the residence of the insured. In the case of a newborn child, coverage shall begin from the moment of birth if a written agreement to adopt such child has been entered into by the insured prior to the birth of the child, whether or not such agreement is enforceable. However, coverage for such child shall not be required in the event that the child is not ultimately placed in the residence of the insured in compliance with chapter 63.

Section 2 Section 627.6578, Florida Statutes, is amended to read

627.6578 Coverage for adopted children upon placement in residence — All group, blanket, and franchise health insurance policies which provide coverage for a family member of the certificateholder or subscriber shall, as to such family member’s coverage, provide that benefits applicable for children shall be payable with respect to an
Journal
of the
SENATE
State of Florida

TWENTIETH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 5 THROUGH JUNE 7, 1988
an application for development approval was filed prior to June 1, 1988, and in the event that a development order is issued pursuant to such application on or before April 1, 1989.

(5) The Department of Natural Resources is directed to proceed to negotiate for acquisition of conservation and recreation lands projects within the Wekiva River Protection Area, provided that such projects have been deemed qualified under statutory and rule criteria for purchase, and have been placed on the priority list for acquisition by the selection committee created in s. 259.035.

Amendment 2—On page 7, lines 15 and 21, after "Permit" insert: solely within protection zones established under section 373.415.

Amendment 3—In title, strike "directing the Department of Natural Resources to negotiate for the acquisition of conservation and recreation lands".

On motion by Senator Langley, by two-thirds vote CS for HB 1265 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—36

Yeas—None

Vote after roll call:

Yea—Crawford

SPECIAL ORDER, continued

SB 753—A bill to be entitled An act relating to conservation, creating part III of chapter 369, F.S., creating the Wekiva River Protection Act; providing definitions; providing for review of local comprehensive plans, land development regulations, and certain development permits, and amendments thereto, applicable to the Wekiva River Protection Area; providing criteria; providing procedures, providing duties of Orange, Lake and Seminole Counties, the Department of Natural Resources, and the Land and Water Adjudicatory Commission, requiring a report, authorizing adoption of rules; providing procedure for development permits and development-of-regional-impact review within the Wekiva River Protection Area; creating s. 373.415, F.S., directing the St. Johns River Water Management District to establish protection zones for regulation of certain activities in the Wekiva River System, requiring certain consistency with local comprehensive plans and land development regulations prior to processing of certain permit applications; directing the district to develop a groundwater basin resource availability inventory; reserving certain authority to the water management districts, counties, and municipalities; providing applicability of certain provisions for judicial review; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 753 to conform the bill to CS for HB 1265.

Pending further consideration of SB 753 as amended, on motions by Senator Langley, by two-thirds vote CS for HB 1265 was withdrawn from the Committees on Natural Resources and Conservation; and Appropriations.

On motion by Senator Langley—

CS for HB 1265—A bill to be entitled An act relating to conservation; creating part III of chapter 369, F.S., creating the Wekiva River Protection Act; providing definitions, providing for review of local comprehensive plans, land development regulations, and certain development permits, and amendments thereto, applicable to the Wekiva River Protection Area; providing criteria; providing procedures, providing duties of Orange, Lake and Seminole Counties, the Department of Community Affairs, and the Land and Water Adjudicatory Commission; requiring a report; authorizing adoption of rules, providing procedure for development permits and development-of-regional-impact review within the Wekiva River Protection Area; creating s. 373.415, F.S., directing the St. Johns River Water Management District to establish protection zones to prevent certain harm to the Wekiva River System; requiring certain consistency with local comprehensive plans and land development regulations prior to issuance of certain permits; directing the district to develop a groundwater basin resource availability inventory; reserving certain authority to the water management districts, counties, and municipalities; providing applicability of certain provisions for judicial review; providing an effective date.

— a companion measure, was substituted for SB 753 and read the second time by title

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 9, between lines 12 and 13, insert:

(4) The provisions of s. 369.305 of this act shall be inapplicable to developments of regional impact in the Wekiva River Protection Area if

Senator Gordon moved the following amendment which was adopted:

Amendment 1—On page 8, between lines 5 and 6, insert:

Section 11. Subsection (2) of section 24.212, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.
I. SUMMARY:

A. PRESENT SITUATION:

The spring-fed Wekiva River and its tributaries, located in Orange, Seminole and Lake counties, are an important state resource providing a habitat for plants and wildlife and recreational opportunities for Florida residents. The Wekiva River has been designated as an Outstanding Florida Water, an Aquatic Preserve, and a Florida Scenic and Wild River. Additionally, the Wekiva River is a major tributary of the St. Johns River. Explosive growth associated with the tourism in the Orlando area has caused the watershed of the Wekiva River to become the site of many development proposals.

The Local Government Comprehensive Planning and Land Development Regulation Act (Sections 163.3161-.3215, Florida Statutes) and its implementing regulations require the local governments in the area to revise their comprehensive plans and land development regulations so as to provide improved planning and land development regulations to protect natural resources. However, the comprehensive plans of Orange, Lake, and Seminole counties are not required to be amended and submitted to the Department of Community Affairs until December 1, 1990, February 1, 1991, and April 1, 1991, respectively. Land development regulations implementing these plans are not required to be adopted by local governments until one year after these submission dates.

The St. Johns Water Management District governing board on one occasion considered a rule establishing buffer zones along the Wekiva River and its tributaries designed to protect wetlands and aquatic and wetland-dependent wildlife species, but withdrew the
rule after opponents of the rule threatened to challenge it. The board also rejected a petition for rulemaking requesting that the board adopt a buffer zone rule for the Wekiva. The decision not to adopt the rule has been appealed to the Governor and Cabinet. However, the District is now considering another buffer rule. There is presently nothing in current law that prevents a water management district from issuing permits for development that would not be approved by the appropriate local government.

Governor Martinez created the Wekiva River Task Force on January 20, 1988, to review current threats to the Wekiva River and propose additional measures deemed necessary to fully protect the Wekiva River. The report containing the recommendations is expected to be complete on May 20, 1988.

B. EFFECT OF PROPOSED CHANGES:

This bill adds Part III to chapter 369, Florida Statutes, creating the Wekiva River Protection Act. The bill requires that Orange, Seminole and Lake counties revise their local comprehensive plans and land development regulations by April 1, 1989, to meet criteria in the bill relating to protection of the Wekiva River Protection Area, an area defined by the bill.

Procedures for review of portions of the three counties' plans and regulations affecting the Wekiva River Protection Area by the Department of Community Affairs and the Governor and Cabinet sitting as the Land and Water Adjudicatory Commission are included in the bill. The bill also provides for a sixty day Department review and approval or disapproval of land use decisions and development permits during the period of time between the effective date of the act and the due dates of the counties' local plans and requires that the department submit a report to the Governor, Speaker of the House, and President of the Senate recommending whether the reviews and certifications of development permits should be continued after the due dates described therein. The review of development permits is limited to the protection zones established pursuant to another section of the bill. The department is authorized to adopt rules and orders relating to these reviews. The bill states that the provisions of the bill relating to improved local comprehensive plans and regulations shall not be applicable to developments of regional impact for which applications for development approval were filed prior to June 1, 1988, if the development order is issued pursuant to such application on or before April 1, 1989.

The bill requires that development of regional impact (DRI) local development orders be considered and issued at the same time as other development permits for the same development. The numerical standards and guidelines for determining whether a development is a DRI are reduced by 50 percent in the area the Wekiva River Protection Area. The bill directs the East Central Regional Planning Council to adopt policies as part of its comprehensive regional policy plan and regional issues list which protect the Wekiva River.
The bill also directs the Department of Natural Resources to proceed to negotiate for acquisition of conservation and recreation lands within the Wekiva River Protection Area, provided that the lands have been deemed qualified under statutory and rule criteria for purchase, and have been placed on the priority list for acquisition by the Selection Committee.

Section 373.415 is created requiring the St. Johns Water Management District (SJRWMD) to adopt rules relating to development within Wekiva River Protection Zones established by the district. The district must establish protection zones, the width of which shall be governed by criteria specified in the statute.

The issuance of certain permits by the district is prohibited unless the district has received written notice by local government officials that the development is consistent with the local comprehensive plan and land development regulations. The district is also required to develop a groundwater basin resource availability inventory and minimum flows and levels for watercourses and groundwater in the Wekiva River Protection Area.

This bill does not affect the authority of the water management districts to decline to process permits for developments that are not consistent with local comprehensive plans or land use regulations outside the Wekiva River Protection Area or to establish similar protection zones. The authority of counties and municipalities to establish setbacks from any surface waters or water courses is not affected.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Creates the Wekiva River Protection Act; provides definitions; provides duties of Orange, Lake, and Seminole counties to adopt amendments to local comprehensive plans to meet criteria of the Wekiva River Protection Act and to adopt land use regulations to implement this act; provides for department review of local comprehensive plans, land development regulations, amendments and Wekiva River development permits for consistency with the Wekiva River Protection Act; provides procedures for review; provides duties of Land and Water Adjudicatory Commission; requires a report; authorizes department adoption of rules and orders to implement this act; provides a procedure for development permits and DRI review within the Wekiva River Protection Area; lowers the numerical DRI thresholds in the Wekiva River Protection area by 50%; declares the Wekiva River Protection Area a natural resource of state and regional importance and requires the East Central Florida Regional Planning Council to adopt policies recognizing this designation; provides for the inapplicability of section 369.305 to certain developments of regional impact; directs the Department of Natural Resources to negotiate for CARL properties in the Wekiva River protection area.

Section 2 -- Creates s. 373.415, Florida Statutes, directing the SJRWMD to establish protection zones for regulation of certain
activities in the Wekiva River system; requires consistency with local comprehensive plans and land development regulations prior to issuance of permits by the SJRWMD; directs the district to develop a groundwater basin resource availability inventory and minimum flows and levels; reserves certain authority to the water management districts, counties, and municipalities; provides applicability of certain provisions for judicial review.

Section 3 -- Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   The Department of Community Affairs estimates that $1,464 in Operating Capital Outlay will be required.

2. Recurring or Annualized Continuation Effects:
   The Department of Community Affairs estimates that $37,810 for salaries and expenses will be needed to hire one full time planner to implement the bill.

3. Long Run Effects Other Than Normal Growth:
   None.

4. Appropriations Consequences:
   See above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   Orange, Lake and Seminole counties will be required to improve their comprehensive plans and land development regulations. This may involve costs in addition to the costs of the plan revisions and land development regulations required by the Local Government Comprehensive Planning and Land Development Regulation Act.

2. Recurring or Annualized Continuation Effects:
   None.

3. Long Run Effects Other Than Normal Growth:
   None.
C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Developers in the Wekiva River area may experience increased costs due to more stringent regulations.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

None.

IV. COMMENTS:

After the legislative session was over, it was discovered that the definition of the Wekiva River Protection area was flawed in that it referred to a road in Township 20 south range 29 east as Longwood Markham Road, the staff having relied on an outdated map. The road that was intended is Markham Woods Road.

This law was superseded by HB 1671, Chapter 88-393, Laws of Florida which contained HB 1265 with a few technical corrections.

V. AMENDMENTS:

None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Dana Minerva

FINANCE & TAXATION:
Prepared by:

APPROPRIATIONS:
Prepared by:

Staff Director:
Barry Kling

STANDARD FORM 5/88
A bill to be entitled
An act relating to conservation; creating part
III of chapter 369, F.S., creating the Wekiva
River Protection Act; providing definitions;
providing for review of local comprehensive
plans, land development regulations, and
certain development permits, and amendments
thereto, applicable to the Wekiva River
Protection Area; providing criteria; providing
procedures; providing duties of Orange, Lake,
and Seminole Counties, the Department of
Natural Resources, and the Land and Water
Adjudicatory Commission; requiring a report;
authorizing adoption of rules; providing
procedure for development permits and
development-of-regional-impact review within
the Wekiva River Protection Area; creating s.
373.415, F.S., directing the St. Johns River
Water Management District to establish
protection zones for regulation of certain
activities in the Wekiva River System;
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comprehensive plans and land development
regulations prior to processing of certain
permit applications; directing the district to
develop a groundwater basin resource
availability inventory; reserving certain
authority to the water management districts,
counties, and municipalities; providing
applicability of certain provisions for
judicial review; providing an effective date.

CODING: Words stricken are deletions; words underlined are additions.
WHEREAS, due to its unique natural beauty and its value as a habitat for plants and wildlife, the Wekiva River and its basin and tributaries are a unique and unspoiled resource of state and regional significance, and

WHEREAS, the Wekiva River provides many recreational opportunities to Florida residents as a State Canoe Trail and is an Outstanding Florida Water, an Aquatic Preserve, a Florida Scenic and Wild River, and a major tributary of the St. Johns River, and

WHEREAS, the watershed of the Wekiva River is the subject of many development proposals which will adversely affect the river and its basin and tributaries, unless such developments are carefully planned and prudently designed, and

WHEREAS, efforts to protect the Wekiva River and its basin have been implemented by Orange, Seminole, and Lake Counties, the East Central Florida Regional Planning Council, the Department of Natural Resources, the Department of Community Affairs, the Department of Environmental Regulation, and the St. Johns River Water Management District, but continued and supplementary protection efforts are needed, and

WHEREAS, the provisions in this act are necessary to protect the Wekiva River and its basin and are essential to the welfare of the people of the Wekiva River basin and of the state, NOW, THEREFORE,

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

Section 1. Part III of chapter 369, Florida Statutes, consisting of sections 369.301, 369.303, 369.305, and 369.307, is created to read:

PART III

CODING: Words stricken are deletions; words underlined are additions.
369.301 Short title.--This part may be cited as the "Wekiva River Protection Act."

369.303 Definitions.--As used in this part:

(1) "Council" means the East Central Florida Regional Planning Council.

(2) "Counties" means Orange, Seminole, and Lake Counties.

(3) "Department" means the Department of Community Affairs.

(4) "Development of regional impact" means a development which is subject to the review procedures established by s. 380.06 or s. 380.065, and s. 380.07.

(5) "Land development regulation" means a regulation covered by the definition in s. 163.3164(22), and any of the types of regulations described in s. 163.3202.

(6) "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss. 163.3164-163.3215.

(7) "Revised comprehensive plan" means a comprehensive plan prepared pursuant to ss. 163.3164-163.3215 which has been revised pursuant to chapters 85-55, 86-191, and 87-338, Laws of Florida.

(8) "Wekiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area.

"Wekiva River development permit" shall not include a building permit, certificate of occupancy, or other permit relating to the compliance of a development with applicable electrical, plumbing, or other building codes.
(9) "Wekiva River Protection Area" means the area depicted on the map entitled "Wekiva Basin, 40C-41," which is on file at the offices of the St. Johns River Water Management District, excluding that portion of the area which is south of State Road 436.

(10) "Wekiva River System" means the Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, and Seminole Creek.

369.305 Review of local comprehensive plans, land development regulations, Wekiva River development permits, and amendments.--

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

(a) Each county's local comprehensive plan shall contain goals, policies, and objectives which result in the protection of the:

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

2. Wetlands associated with the Wekiva River System;
3. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System;
4. Endangered or threatened species habitat within the Wekiva River Protection Area; and
5. Natural vegetation within the Wekiva River Protection Area.

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

(c) The local comprehensive plan shall require that the density or intensity of development permitted on parcels of property be concentrated on those portions of the parcels which are the farthest from the surface waters and wetlands of the Wekiva River System. However, nothing herein shall be construed to require that local comprehensive plans or land development regulations establish higher densities or intensities in the Wekiva River Protection Area than exist on the effective date of this act.

(d) The local comprehensive plan shall require that parcels of land adjacent to the surface waters and watercourses of the Wekiva River System not be subdivided so as to interfere with the implementation of protection zones as established pursuant to s. 373.415, any applicable setbacks from the surface waters in the Wekiva River System which are established by local governments, or the policy, established herein, of concentrating development in the Wekiva River Protection Area as far from the surface waters and wetlands of the Wekiva River System as practicable.
(e) The local land development regulations shall implement the provisions of paragraphs (a), (b), (c), and (d).

(2) Each county shall, within 10 days of adopting any necessary amendments to its local comprehensive plan and land development regulations or new land development regulations pursuant to subsection (1), submit them to the department, which shall, within 90 days, review the amendments and any new land development regulations and make a determination.

(3) If the department determines that the local comprehensive plan and land development regulations as amended or supplemented comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to confirm its determination. If the department determines that the amendments and any new land development regulations that a county has adopted do not meet the criteria established in subsection (1), or the department receives no amendments or new land development regulations and determines that the county's existing local comprehensive plan and land development regulations do not comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary to meet the criteria in subsection (1). A determination or petition made by the department pursuant to this subsection shall not be final agency action.

(4) The Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, shall render an order on the petition. Any local government comprehensive plan amendments directly related to the requirements of this subsection and subsections (1), (2), and (3) may be initiated by a local...
planning agency and considered by the local governing body
without regard to statutory or local ordinance limitations on
the frequency of consideration of amendments to local
comprehensive plans.

(5) During the period of time between the effective
date of this act and the due date of a county’s revised local
government comprehensive plan as established by s. 163.3167(2)
and Chapter 9J-12, Florida Administrative Code, any local
comprehensive plan amendment or amendment to a land
development regulation, proposed by a county, which applies to
the Wekiva River Protection Area, or any Wekiva River
development permit proposed by a county, shall be sent to the
department within 10 days after its adoption by the local
governing body, but shall not become effective until certified
by the department as being in compliance with purposes
described in subsection (1). The department shall make its
decision on certification within 60 days after receipt of the
amendment or development permit. The department’s decision on
certification shall be final agency action. This subsection
shall not apply to any amendments or new land development
regulations adopted pursuant to subsections (1) through (4) or
to any development order approving, approving with conditions,
or denying a development of regional impact.

(6) Prior to March 1, 1990, the department shall
prepare and deliver to the Governor, the Speaker of the House
of Representatives, and the President of the Senate a report
recommending whether the reviews and certifications of
amendments to land development regulations and development
permits required under subsection (5) should be continued
after the due dates described therein.

CODING: Words struck out are deletions; words underlined are additions.
(7) In its review of revised comprehensive plans after the due dates described in subsection (5), and in its review of comprehensive plan amendments after those due dates, the department shall review the local comprehensive plans, and any amendments, which are applicable to portions of the Wekiva River Protection Area, for compliance with the provisions of subsection (1), in addition to its review of local comprehensive plans and amendments for compliance as defined in s. 163.3184; and all the procedures and penalties described in s. 163.3184 shall be applicable to this review.

(8) The department may adopt reasonable rules and orders to implement the provisions of this section.

369.307 Developments of regional impact in the Wekiva River Protection Area.--

(1) Notwithstanding the provisions of s. 380.06(15), the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

(2) The department shall adopt, no later than December 1, 1988, rules pertaining to the aggregation of developments which are located partially or wholly within the Wekiva River Protection Area. The purpose of the rules shall be to ensure that parcels of land which are subdivided after the effective date of this act do not avoid development-of-regional-impact review, if they would have been subject to development-of-regional-impact review prior to subdivision. Notwithstanding the provisions of s. 380.0651(4), such rules shall specify criteria for aggregation and shall require that one or more of

CODING: Words stricken are deletions; words underlined are additions.
the following factors must exist: common ownership, common
partial ownership, proximity, sharing of infrastructure,
common advertising or management, or the existence of a master
plan or other corroborative evidence or documentation.

(3) The Wekiva River Protection Area is hereby
declared to be a natural resource of state and regional
importance. The East Central Florida Regional Planning
Council shall adopt policies as part of its comprehensive
regional policy plan and regional issues list which will
protect the water quantity, water quality, hydrology,
wetlands, aquatic and wetland-dependent wildlife species,
endangered and threatened species habitat, and natural
vegetation in the Wekiva River Protection Area. The council
shall also cooperate with the department in the department's
implementation of the provisions of s. 369.305.

Section 2. Section 373.415, Florida Statutes, is
created to read:

373.415 Protection zones; duties of the St. Johns
River Water Management District.--

(1) Not later than November 1, 1988, the St. Johns
River Water Management District shall adopt rules regulating
the construction, alteration, operation, maintenance,
abandonment, or removal of dams, impoundments, reservoirs,
appurtenant work, or works within protection zones established
by the district. Such protection zones shall be adjacent to
the watercourses in the Wekiva River System, as designated in
s. 369.301(10), and shall be sufficiently wide to prevent harm
to the Wekiva River System, including water quality, water
quantity, hydrology, wetlands, and aquatic and wetland-
dependent wildlife species, by any of the regulated

CODING: Words struck are deletions; words underlined are additions.
activities. Factors on which the widths of the protection zones shall be based shall include, but not be limited to:

(a) The biological significance of the wetlands and uplands adjacent to the designated watercourses in the Wekiva River System, including the nesting, feeding, breeding, and resting needs of aquatic species and wetland-dependent wildlife species.

(b) The sensitivity of these species to disturbance, including the short-term and long-term adaptability to disturbance of the more sensitive species, both migratory and resident.

(c) The susceptibility of these lands to erosion, including the slope, soils, runoff characteristics, and vegetative cover.

The rules may establish permitting thresholds, permitting exemptions, or general permits, if such thresholds, exemptions, or general permits do not allow significant adverse impacts to the Wekiva River System to occur individually or cumulatively.

(2) Notwithstanding the provisions of s. 120.60, the St. Johns River Water Management District shall not process any application for a permit under this part within the Wekiva River Protection Area, as defined in s. 369.303(9), until the appropriate local government has provided written notification to the district that the proposed activity is consistent with the local comprehensive plan and is in compliance with any land development regulation in effect in the area where the development will take place. The district may, however, inform any property owner who makes a request for such information as to the location of the protection zone or zones.
on his property. However, if a development proposal is amended as the result of the review by the district, a permit may be issued prior to the development proposal being returned, if necessary, to the local government for additional review.

(3) Not later than March 1, 1990, the St. Johns River Water Management District shall develop a groundwater basin resource availability inventory as provided in s. 373.0395 for the Wekiva River Protection Area and shall establish minimum flows and minimum water levels for surface watercourses in the Wekiva River System and minimum water levels for the groundwater in the aquifer underlying the Wekiva River Protection Area, as provided in s. 373.042.

(4) Nothing in this section shall affect the authority, if existing, of the St. Johns River Water Management District or of the other water management districts created by this chapter to adopt similar protection zones for other watercourses.

(5) Nothing in this section shall affect the authority, if existing, of the St. Johns River Water Management District or of the other water management districts created by this chapter to decline to process permits for development which have not been determined to be consistent with local comprehensive plans or in compliance with land development regulations in areas outside the Wekiva River Protection Area.

(6) Nothing in this section shall affect the authority of counties or municipalities to establish setbacks from any surface waters or watercourses.

(7) The provisions of s. 373.617 are applicable to final actions of the St. Johns River Water Management District.
with respect to a permit or permits issued pursuant to this section.

Section 3. This act shall take effect upon becoming a law.

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HOUSE SUMMARY

Creates the Wekiva River Protection Act. Provides definitions. Provides for review of local comprehensive plans, land development regulations, and certain development permits, and amendments thereto, applicable to the Wekiva River Protection Area, as defined in the act. Provides criteria and procedures for such review. Provides duties of Orange, Lake, and Seminole Counties, the Department of Natural Resources, and the Land and Water Adjudicatory Commission. Requires the department to report to the Governor and Legislature on continuation of such review. Authorizes the department to adopt rules. Provides procedure for development permits and development-of-regional-impact review within the protection area. Directs the St. Johns River Water Management District to establish protection zones for regulation of certain activities in the Wekiva River System, as defined in the act. Requires certain consistency with local comprehensive plans and land development regulations prior to processing of certain permit applications. Directs the district to develop a groundwater basin resource availability inventory by a specified date. Reserves to the water management districts certain authority with respect to protection zones and processing of permits for development, and reserves to counties and municipalities authority to establish setbacks from surface waters and watercourses. Provides applicability of certain provisions for judicial review.

CODING: Words struck are deletions; words underlined are additions.
I. SUMMARY:

A. Present Situation:

The Wekiva River is a spring-fed river located in Orange, Seminole and Lake counties, north of Orlando, Florida. The Wekiva River has been designated as an Outstanding Florida Water, an Aquatic Preserve, and a Florida Scenic and Wild River, and is a major tributary of the St. Johns River. The explosive growth of the Orlando area has applied extreme development pressure to the lands adjacent to the Wekiva River. Efforts being made to protect this river from detrimental development include proposals to acquire nearby lands through the state Conservation and Recreation Lands Program (C.A.R.L.), local development restrictions, and proposed permitting requirements by the St. Johns River Water Management District.

The St. Johns River Water Management District published a proposed rule on April 27, 1988, which would apply additional criteria to the review of management and storage of surface water permits for development in the Wekiva River Hydrologic Basin. These proposed rules address standards for erosion and sediment control and water quality; limiting drawdown of the groundwater table adjacent to wetlands; and protection of riparian wildlife habitat. These proposed rules are schedule to be presented to the St. Johns River Water Management District Governing Board on June 8, 1988, to request approval to publish the proposed rules in the Florida Administrative Weekly. It is possible that such rules could be adopted by the governing board by September, 1988. There is some controversy over whether or not the water management district has the authority to address the impacts of development on wildlife in uplands through their permitting system.

The Local Government Comprehensive Planning and Land Development Regulation Act (Sections 163.3161-.3215, Florida Statutes) and its implementing regulations require local governments to revise their comprehensive plans and land development regulations so as to provide improved planning and land development regulations to protect natural resources. The comprehensive plans of Orange, Lake, and Seminole counties are not required to be amended and submitted to the Department of Community Affairs until December 1, 1990, February 1, 1991, and April 1, 1991, respectively. Land development regulations implementing these plans are not required to be adopted by local governments until one year after these submission dates.

In view of the extreme development pressure on the Wekiva River area, Governor Martinez created the Wekiva River Task Force on January 20, 1988, to review current threats to the Wekiva River and propose additional measures deemed necessary to fully protect the Wekiva River. The report containing the recommendations was completed on May 20, 1988.
B. Effect of Proposed Changes:

The Wekiva River Protection Act is created. The terms council, counties, department, development of regional impact, land development regulation, local comprehensive plan, revised comprehensive plan, Wekiva River development permit, Wekiva River Protection Acrea, and Wekiva River System are defined. By April 1, 1989, Orange, Lake, and Seminole counties are required to review and amend those portions of their comprehensive plans and land development regulations applicable to the Wekiva River Protection Area in order to protect water resources, wetlands, wildlife, and natural vegetation.

The local comprehensive plans shall require that the density or intensity of development permitted on parcels of property be concentrated on those portions of the parcels which are the farthest from the surface waters and wetlands of the Wekiva River System. The local comprehensive plans shall require that parcels of land adjacent to the surface waters and watercourses of the Wekiva River System not be subdivided so as to interfere with the implementation of protection zones as established pursuant to s. 373.415, F.S., any applicable setbacks from the surface waters in the Wekiva River System which are established by local governments, or the policy of concentrating development in the Wekiva River Protection Area as far from the surface waters and wetlands of the Wekiva River System as practicable.

Each county shall submit amendments to its local comprehensive plan and land development regulations or new land development regulations, to the Department of Community Affairs (DCA) for review. If DCA determines that the revised local comprehensive plan and land development regulations are in compliance with all of these requirements, DCA shall petition the Governor and Cabinet to confirm its determination. If DCA determines that a local government is not in compliance with these provisions, DCA shall petition the Governor and Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary. The Governor and Cabinet shall render an order on the petition.

Between the effective date of the bill and the due date of a county's revised local government comprehensive plan, any plan amendment or any amendment to a land development regulation, proposed by a county, which applies to the Wekiva River Protection Area, or any Wekiva River development permit proposed by a county, shall be sent to DCA and shall become effective when certified by DCA as being in compliance with the provisions of this bill. DCA shall make its decision on certification within 60 days after receipt of the amendment or development permit. DCA's decision on certification shall be final agency action. Prior to March 1, 1990, DCA shall prepare a report for the Governor, the Speaker of the House of Representatives, and the President of the Senate recommending whether the reviews and certifications of amendments to land development regulations and development permits required by this bill should be continued after the due dates described. DCA may adopt rules and orders to implement these provisions.

Orange, Seminole, and Lake counties shall consider and issue the development permits applicable to a proposed development of regional impact in the Wekiva River Protection Area at the same time as the development order for the development of regional impact. DCA shall adopt, no later than December 1, 1988, rules pertaining to the aggregation of developments which are located partially or wholly within the Wekiva River Protection Area. The rules shall specify criteria for aggregation and shall require that there is the existence of: common ownership, common partial ownership, proximity, sharing of infrastructure, common advertising or management, or the
existence of a master plan or other corroborative evidence or documentation.

The Wekiva River Protection Area is declared to be a natural resource of state and regional importance. The East Center Florida Regional Planning Council shall adopt policies which will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, endangered and threatened species habitat, and natural vegetation in the Wekiva River Protection Area.

No later than November 1, 1988, the St. Johns River Water Management District (SJRWMD) shall adopt rules regulating the construction, alteration, operation, maintenance, abandonment, or removal of dams, impoundments, reservoirs, or appurtenant works within protection zones established by the district. The rules may establish permitting thresholds, permitting exemptions, or general permits. The SJRWMD shall not process any application for a permit under these provisions within the Wekiva River Protection Area until the appropriate local government has provided written notification to the district that the activity is consistent with the local comprehensive plan and is in compliance with any land development regulation in the area where the development will take place. No later than March 1, 1990, SJRWMD shall develop a groundwater basin resource availability inventory for the Wekiva River Protection Area and shall establish minimum flows and minimum water levels for surface watercourses in the river system and minimum water levels for the groundwater in the aquifer underlying the Wekiva River Protection Area.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Developers in the Wekiva River Protection Area may experience increased costs and time delays due to more stringent regulations. However, more protection should be afforded the environment.

B. Government:

The Department of Community Affairs estimates that $37,810 in salaries and expenses for one full time planner and $1,464 in operating capital outlay expenses will be required to implement this bill. The St. Johns River Water Management District estimates that one Engineer II will need to be hired to administer the provisions of this bill for a cost of $30,000 in the first year. Orange, Lake and Seminole counties will be required to improve their comprehensive plans and land development regulations. This may involve costs in addition to the costs of the plan revisions and land development regulations required by the Local Government Comprehensive Planning and Land Development Regulation Act.

III. COMMENTS:

The SJRWMD would prefer to be required to establish minimum flows and levels for the Wekiva River area by 1991.

IV. AMENDMENTS:

None.
BILL VOTE SHEET

(VS-88: File with Secretary of Senate) BILL NO. SB 753

COMMITTEE ON: Natural Resources and Conservation

DATE: May 24, 1988 ACTION: Favorably with 2 amendments
TIME: 9:00 a.m. - 12:00 n. Favorably with Committee Substitute
PLACE: Room H, Senate Office Building Unfavorably
OTHER COMMITTEE REFERENCES: Submitted as a Committee Bill
(in order shown) Temporarily Passed
AP Reconsidered
THE VOTE WAS: Not Considered

THE VOTE WAS:

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Please Complete: The Key sponsor appeared ( ) A Senator appeared ( ) Sponsor's aide appeared ( ) Other appearance ( X )
SENATE COMMITTEE AMENDMENT

The Committee on...Natural Resources...recommended the following amendment which was moved by Senator.........and adopted:

Senate Amendment

On page 2........, line 27........, strike everything after the enacting clause

If amendment is text from another bill insert:

Bill No. Draft No. With Changes? Yes

and insert:

Section 1. Part III of chapter 369, Florida Statutes, consisting of sections 369.301, 369.303, 369.305, and 369.307, is created to read:

PART III

WEKIVA RIVER PROTECTION

369.301 Short title.--This part may be cited as the "Wekiva River Protection Act."

369.303 Definitions.--As used in this part:

(1) "Council" means the East Central Florida Regional Planning Council.

(2) "Counties" means Orange, Seminole, and Lake Counties.

(3) "Department" means the Department of Community Affairs.

(4) "Development of regional impact" means a development which is subject to the review procedures established by s. 380.06 or s. 380.065, and s. 380.07.

(5) "Land development regulation" means a regulation covered by the definition in s. 163.3164(22), and any of the types of regulations described in s. 163.3202.

CODING: Words stricken are deletions; words underlined are additions.

* Amendment No. ___, taken up by committee: Adopted_*
* Offered by___ Failed__ *

(Amendment No. ____ Adopted ___ Failed ___ Date __/__/_)
(6) "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss. 163.3164-163.3215.

(7) "Revised comprehensive plan" means a comprehensive plan prepared pursuant to ss. 163.3164-163.3215 which has been revised pursuant to chapters 85-55, 86-191, and 87-338, Laws of Florida and subsequent laws amending said sections.

(8) "Wekiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area. "Wekiva River development permit" shall not include a building permit, certificate of occupancy, or other permit relating to the compliance of a development with applicable electrical, plumbing, or other building codes.

(9) "Wekiva River Protection Area" means the lands within: Township 18 south range 28 east; Township 18 south range 29 east; Township 19 south range 28 east, less those lands lying west of a line formed by County Road 437, State Road 46, and County Road 435; Township 19 south range 29 east; Township 20 south range 28 east, less all lands lying west of County Road 435; and Township 20 south range 29 east, less all those lands east of Longwood Markham Road.

(10) "Wekiva River System" means the Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, and Seminole Creek.

369.305 Review of local comprehensive plans, land development regulations, Wekiva River development permits, and amendments.--

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

(a) Each county’s local comprehensive plan shall contain goals, policies, and objectives which result in the protection of the:

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

2. Wetlands associated with the Wekiva River System;

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

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

5. Native vegetation within the Wekiva River Protection Area.

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

CODING: Words struck are deletions; words underlined are additions.
SENATE COMMITTEE AMENDMENT

SB 753

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

2. Restrictions on the clearing of native vegetation within the 100-year floodplain;

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

4. Provisions for setbacks along the Wekiva River for areas that do not fall within the protection zones established pursuant to s. 373.415;

5. Restrictions on intensity of development adjacent to publicly-owned lands to prevent adverse impacts to these lands;

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

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

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

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

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

(2) Each county shall, within 10 days of adopting any necessary amendments to its local comprehensive plan and land development regulations or new land development regulations pursuant to subsection (1), submit them to the department, which shall, within 90 days, review the amendments and any new land development regulations and make a determination.

(3) If the department determines that the local comprehensive plan and land development regulations as amended or supplemented comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to confirm its determination. If the department determines that the amendments and any new land development regulations that a county has adopted do not meet the criteria established in subsection (1), or the department receives no amendments or new land development regulations and determines that the county's existing local comprehensive plan and land development regulations do not comply with the provisions of subsection (1), the department shall petition the Governor and...
Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary to meet the criteria in subsection (1). A determination or petition made by the department pursuant to this subsection shall not be final agency action.

(4) The Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, shall render an order on the petition. Any local government comprehensive plan amendments directly related to the requirements of this subsection and subsections (1), (2), and (3) may be initiated by a local planning agency and considered by the local governing body without regard to statutory or local ordinance limitations on the frequency of consideration of amendments to local comprehensive plans.

(5) During the period of time between the effective date of this act and the due date of a county's revised local government comprehensive plan as established by s. 163.3167(2) and Chapter 9J-12, Florida Administrative Code, any local comprehensive plan amendment or amendment to a land development regulation, proposed by a county, which applies to the Wekiva River Protection Area, or any Wekiva River development permit proposed by a county, shall be sent to the department within 10 days after its adoption by the local governing body, but shall not become effective until certified by the department as being in compliance with purposes described in subsection (1). The department shall make its decision on certification within 60 days after receipt of the amendment or development permit. The department's decision on certification shall be final agency action. This subsection shall not apply to any amendments or new land development...
SENATE COMMITTEE AMENDMENT

SB 753

HB ____

regulations adopted pursuant to subsections (1) through (4) or to any development order approving, approving with conditions, or denying a development of regional impact.

(6) Prior to March 1, 1990, the department shall prepare and deliver to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate, a report recommending whether the reviews and certifications of amendments to land development regulations and development permits required under subsection (5) should be continued after the due dates described therein.

(7) In its review of revised comprehensive plans after the due dates described in subsection (5), and in its review of comprehensive plan amendments after those due dates, the department shall review the local comprehensive plans, and any amendments, which are applicable to portions of the Wekiva River Protection Area, for compliance with the provisions of subsection (1), in addition to its review of local comprehensive plans and amendments for compliance as defined in s. 163.3184; and all the procedures and penalties described in s. 163.3184 shall be applicable to this review.

(8) The department may adopt reasonable rules and orders to implement the provisions of this section.

369.307 Developments of regional impact in the Wekiva River Protection Area.--

(1) Notwithstanding the provisions of s. 380.06(15), the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order.
approving, approving with conditions, or denying a development
d of regional impact.

(2) Notwithstanding the provisions of s. 380.0651 or
any other provisions of chapter 380, the numerical standards
and guidelines provided in chapter 28-24, Florida
Administrative Code, shall be reduced by 50 percent as applied
to proposed developments entirely or partially located within
the Wekiva River Protection Area.

(3) The Wekiva River Protection Area is hereby
declared to be a natural resource of state and regional
importance. The East Central Florida Regional Planning
Council shall adopt policies as part of its comprehensive
regional policy plan and regional issues list which will
protect the water quantity, water quality, hydrology,
wetlands, aquatic and wetland-dependent wildlife species,
habitat of species designated pursuant to rules 39-27.003, 39-
27.004, and 39-27.005, Florida Administrative Code, and
natural vegetation in the Wekiva River Protection Area. The
council shall also cooperate with the department in the
department's implementation of the provisions of s. 369.305.

(4) The selection committee created in s. 259.035 is
directed to reevaluate its priority list to assure that lands
within the Wekiva River Protection Area that are proposed for
state acquisition are prioritized in such a way so as to give
high priority to their acquisition if in the judgment of the
selection committee they cannot be protected adequately by
application of this part and s. 373.415.

Section 2. Section 373.415, Florida Statutes, is
created to read:

373.415 Protection zones; duties of the St. Johns
River Water Management District.--

CODING: Words stricken are deletions; words underlined are additions.
(1) Not later than November 1, 1988, the St. Johns River Water Management District shall adopt rules establishing protection zones adjacent to the watercourses in the Wekiva River System, as designated in s. 369.301(10). Such protection zones shall be sufficiently wide to prevent harm to the Wekiva River System, including water quality, water quantity, hydrology, wetlands, and aquatic and wetland dependent wildlife species, caused by any of the activities regulated under part IV, chapter 373, Florida Statutes. Factors on which the widths of the protection zones shall be based shall include, but not be limited to:

(a) The biological significance of the wetlands and uplands adjacent to the designated watercourses in the Wekiva River System, including the nesting, feeding, breeding, and resting needs of aquatic species and wetland-dependent wildlife species.

(b) The sensitivity of these species to disturbance, including the short-term and long-term adaptability to disturbance of the more sensitive species, both migratory and resident.

(c) The susceptibility of these lands to erosion, including the slope, soils, runoff characteristics, and vegetative cover.

In addition, the rules may establish permitting thresholds, permitting exemptions, or general permits, if such thresholds, exemptions, or general permits do not allow significant adverse impacts to the Wekiva River System to occur individually or cumulatively.

(2) Notwithstanding the provisions of s. 120.60, the St. Johns River Water Management District shall not issue any

CODING: Words stricken are deletions; words underlined are additions.
application for a permit under this part within the Wekiva River Protection Area, as defined in s. 369.303(9), until the appropriate local government has provided written notification to the district that the proposed activity is consistent with the local comprehensive plan and is in compliance with any land development regulation in effect in the area where the development will take place. The district may, however, inform any property owner who makes a request for such information as to the location of the protection zone or zones on his property. However, if a development proposal is amended as the result of the review by the district, a permit may be issued prior to the development proposal being returned, if necessary, to the local government for additional review.

(3) Not later than March 1, 1991, the St. Johns River Water Management District shall develop a groundwater basin resource availability inventory as provided in s. 373.0395 for the Wekiva River Protection Area and shall establish minimum flows and minimum water levels for surface watercourses in the Wekiva River System and minimum water levels for the groundwater in the aquifer underlying the Wekiva Basin as depicted on the map entitled "Wekiva Basin, 40C-41" which is on file at the offices of the St. Johns River Water Management District.

(4) Nothing in this section shall affect the authority of the water management districts created by this chapter to adopt similar protection zones for other watercourses.

(5) Nothing in this section shall affect the authority of the water management districts created by this chapter to decline to issue permits for development which have not been determined to be consistent with local comprehensive plans or
in compliance with land development regulations in areas outside the Wekiva River Protection Area.

(6) Nothing in this section shall affect the authority of counties or municipalities to establish setbacks from any surface waters or watercourses.

(7) The provisions of s. 373.617 are applicable to final actions of the St. Johns River Water Management District with respect to a permit or permits issued pursuant to this section.

Section 3. This act shall take effect upon becoming a law.

CODING: Words stricken are deletions; words underlined are additions.
The Committee on Natural Resources...recommended the following amendment which was moved by Senator...and adopted:

Senate Amendment

In title, on page 1..., lines 2-31..., strike all of said lines

If amendment is text from another bill insert:

An act relating to conservation; creating part III of chapter 369, F.S., creating the Wekiva River Protection Act; providing definitions; providing for review of local comprehensive plans, land development regulations, and certain development permits, and amendments thereto, applicable to the Wekiva River Protection Area; providing criteria; providing procedures; providing duties of Orange, Lake, and Seminole Counties, the Department of Community Affairs, and the Land and Water Adjudicatory Commission; requiring a report; authorizing adoption of rules; providing procedure for development permits and development-of-regional-impact review within the Wekiva River Protection Area; creating s. 373.415, F.S., directing the St. Johns River Water Management District to establish protection zones for regulation of certain activities in the Wekiva River System;

CODING: Words struck are deletions; words underlined are additions.

* Amendment No. __, taken up by committee: Adopted *
* Offered by __ Failed *
(Amendment No. _____ Adopted __ Failed __ Date __/__/___)
requiring certain consistency with local comprehensive plans and land development regulations prior to processing of certain permit applications; directing the district to develop a groundwater basin resource availability inventory; reserving certain authority to the water management districts, counties, and municipalities; providing applicability of certain provisions for judicial review; providing an effective date.
I. SUMMARY:

A. Present Situation:

The Wekiva River is a spring-fed river located in Orange, Seminole and Lake counties, north of Orlando, Florida. The Wekiva River has been designated as an Outstanding Florida Water, an Aquatic Preserve, and a Florida Scenic and Wild River, and is a major tributary of the St. Johns River. The explosive growth of the Orlando area has applied extreme development pressure to the lands adjacent to the Wekiva River. Efforts being made to protect this river from detrimental development include proposals to acquire nearby lands through the state Conservation and Recreation Lands Program (C.A.R.L.), local development restrictions, and proposed permitting requirements by the St. Johns River Water Management District.

The St. Johns River Water Management District published a proposed rule on April 27, 1988, which would apply additional criteria to the review of management and storage of surface water permits for development in the Wekiva River Hydrologic Basin. These proposed rules address standards for erosion and sediment control and water quality; limiting drawdown of the groundwater table adjacent to wetlands; and protection of riparian wildlife habitat. These proposed rules are schedule to be presented to the St. Johns River Water Management District Governing Board on June 8, 1988, to request approval to publish the proposed rules in the Florida Administrative Weekly. It is possible that such rules could be adopted by the governing board by September, 1988. There is some controversy over whether or not the water management district has the authority to address the impacts of development on wildlife in uplands through their permitting system.

The Local Government Comprehensive Planning and Land Development Regulation Act (Sections 163.3161-.3215, Florida Statutes) and its implementing regulations require local governments to revise their comprehensive plans and land development regulations so as to provide improved planning and land development regulations to protect natural resources. The comprehensive plans of Orange, Lake, and Seminole counties are not required to be amended and submitted to the Department of Community Affairs until December 1, 1990, February 1, 1991, and April 1, 1991, respectively. Land development regulations implementing these plans are not required to be adopted by local governments until one year after these submission dates.

In view of the extreme development pressure on the Wekiva River area, Governor Martinez created the Wekiva River Task Force on January 20, 1988, to review current threats to the Wekiva River and propose additional measures deemed necessary to fully protect the Wekiva River. The report containing the recommendations was completed on May 20, 1988.
B. Effect of Proposed Changes:

The Wekiva River Protection Act is created. The terms council, counties, department, development of regional impact, land development regulation, local comprehensive plan, revised comprehensive plan, Wekiva River development permit, Wekiva River Protection Area, and Wekiva River System are defined. By April 1, 1989, Orange, Lake, and Seminole counties are required to review and amend those portions of their comprehensive plans and land development regulations applicable to the Wekiva River Protection Area in order to protect water resources, wetlands, wildlife, and natural vegetation.

The local comprehensive plans shall require that the density or intensity of development permitted on parcels of property be concentrated on those portions of the parcels which are the farthest from the surface waters and wetlands of the Wekiva River System. The local comprehensive plans shall require that parcels of land adjacent to the surface waters and watercourses of the Wekiva River System not be subdivided so as to interfere with the implementation of protection zones as established pursuant to § 373.415, F.S., any applicable setbacks from the surface waters in the Wekiva River System which are established by local governments, or the policy of concentrating development in the Wekiva River Protection Area as far from the surface waters and wetlands of the Wekiva River System as practicable.

Each county shall submit amendments to its local comprehensive plan and land development regulations or new land development regulations, to the Department of Community Affairs (DCA) for review. If DCA determines that the revised local comprehensive plan and land development regulations are in compliance with all of these requirements, DCA shall petition the Governor and Cabinet to confirm its determination. If DCA determines that a local government is not in compliance with these provisions, DCA shall petition the Governor and Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary. The Governor and Cabinet shall render an order on the petition.

Between the effective date of the bill and the due date of a county's revised local government comprehensive plan, any plan amendment or any amendment to a land development regulation, proposed by a county, which applies to the Wekiva River Protection Area, or any Wekiva River development permit proposed by a county, shall be sent to DCA and shall become effective when certified by DCA as being in compliance with the provisions of this bill. DCA shall make its decision on certification within 60 days after receipt of the amendment or development permit. DCA's decision on certification shall be final agency action. Prior to March 1, 1990, DCA shall prepare a report for the Governor, the Speaker of the House of Representatives, and the President of the Senate recommending whether the reviews and certifications of amendments to land development regulations and development permits required by this bill should be continued after the due dates described. DCA may adopt rules and orders to implement these provisions.

Orange, Seminole, and Lake counties shall consider and issue the development permits applicable to a proposed development of regional impact in the Wekiva River Protection Area at the same time as the development order for the development of regional impact. DCA shall adopt, no later than December 1, 1988, rules pertaining to the aggregation of developments which are located partially or wholly within the Wekiva River Protection Area. The rules shall specify criteria for aggregation and shall require that there is the existence of: common ownership, common partial ownership, proximity, sharing of infrastructure, common advertising or management, or the
existence of a master plan or other corroborative evidence or documentation.

The Wekiva River Protection Area is declared to be a natural resource of state and regional importance. The East Center Florida Regional Planning Council shall adopt policies which will ensure the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, endangered and threatened species habitat, and natural vegetation in the Wekiva River Protection Area.

No later than November 1, 1988, the St. Johns River Water Management District (SJRWMD) shall adopt rules regulating the construction, alteration, operation, maintenance, abandonment, or removal of dams, impoundments, reservoirs, or appurtenant works within protection zones established by the district. The rules may establish permitting thresholds, permitting exemptions, or general permits. The SJRWMD shall not process any application for a permit under these provisions within the Wekiva River Protection Area until the appropriate local government has provided written notification to the district that the activity is consistent with the local comprehensive plan and is in compliance with any land development regulation in the area where the development will take place. No later than March 1, 1990, SJRWMD shall develop a groundwater basin resource availability inventory for the Wekiva River Protection Area and shall establish minimum flows and minimum water levels for surface watercourses in the river system and minimum water levels for the groundwater in the aquifer underlying the Wekiva River Protection Area.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Developers in the Wekiva River Protection Area may experience increased costs and time delays due to more stringent regulations. However, more protection should be afforded the environment.

B. Government:

The Department of Community Affairs estimates that $37,810 in salaries and expenses for one full time planner and $1,464 in operating capital outlay expenses will be required to implement this bill. The St. Johns River Water Management District estimates that one Engineer II will need to be hired to administer the provisions of this bill for a cost of $30,000 in the first year. Orange, Lake and Seminole counties will be required to improve their comprehensive plans and land development regulations. This may involve costs in addition to the costs of the plan revisions and land development regulations required by the Local Government Comprehensive Planning and Land Development Regulation Act.

III. COMMENTS:

IV. AMENDMENTS:

#1 by Natural Resources & Conservation:
A legal description is provided for the Wekiva River Protection Area. The local comprehensive plans for Orange, Lake, and Seminole counties shall include the following components relative to the Wekiva River Protection Area: a) provisions to ensure the preservation of sufficient habitat for feeding, nesting, roosting, and resting so as to maintain viable populations of species within the Wekiva River Protection Area; b) restrictions on the clearing of native vegetation within the 100-year floodplain; c) prohibition of development that is not low-density residential in nature, unless that development has less impact on natural resources than low-density residential
development; d) provisions for setback for areas that do not fall within the protection zones established pursuant to s. 373.415, F.S.; e) restrictions on intensity of development adjacent to publicly-owned lands to prevent adverse impacts to these lands; f) restrictions on filling and alteration of wetlands in the Wekiva River Protection Area; and g) provisions encouraging clustering of residential development when it promotes protection of environmentally sensitive areas, and ensuring that residential in the aggregate shall be of a rural density and character. The local land development regulations shall include restrictions on the location of septic tanks and drainfields in the 100-year floodplain and discharges of stormwater to the Wekiva River System. The Department of Community Affairs shall, prior to March 1, 1990, deliver to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate, a report on whether or not certain processes put in place by this bill should be continued. The numerical standards and guidelines provided in Chapter 28-24, Florida Administrative Code, shall be reduced by 50 percent as applied to proposed developments entirely or partially located within the Wekiva River Protection Area.

The Conservation and Recreation Lands Selection Committee is directed to reevaluate its priority list to assure that lands within the Wekiva River Protection Area that are proposed for state acquisition are prioritized to give high priority to their acquisition if in the judgment of the selection committee they cannot be protected adequately by application of the bill.

The protection zones established by the St. Johns River Water Management District for the Wekiva River System shall be sufficient to prevent harm to the Wekiva River System caused by any of the activities regulated under part IV, Chapter 373, Florida Statutes, which relate to management and storage of surface waters. The St. Johns River Water Management District shall develop a groundwater basin resource availability inventory for the Wekiva River Protection Area by March 1, 1991. Protection zones could also be established for other water courses in the state by the appropriate water management districts.

#2 by Natural Resources & Conservation:
Title amendment.
House spells Wekiva relief weaker

By David White

SENTINEL TALLAHASSEE BUREAU

TALLAHASSEE — A plan to restrict construction along the Wekiva River passed the House Monday, but it no longer directs the state to speed up efforts to buy thousands of acres near the 15-mile river.

The proposal, which now goes to the Senate, had ordered the Conservation and Recreation Lands selection committee to give "high priority" to buying sensitive land along the spring-fed river, which flows through east Lake, west Seminole and north Orange counties.

But sponsors Rep. Tom Drage, R-Winter Park, and Rep. Stan Bainter, R-Eustis, yanked the provision from the bill because senators opposed to it could have stopped the entire measure from becoming law.

"If just one member objected to it, that would kill the bill," Bainter said. "Rather than have that happen, we just took it out."

Charles Lee of the Florida Audubon Society said he hopes the Senate restores the land-buying provision: "It is still a good bill without that, but it is a much weaker bill for protecting the [river] system.

"Because of the growth rates in Central Florida, if we don't get those projects up on the front burner of the CARL program very quickly we are going to lose them, it's that simple," he said.

CARL has considered buying Seminole Springs, 9,200 acres north of State Road 49 in Lake County, and BMK Ranch, 5,850 acres in Lake and Orange counties north of Wekiva Springs State Park. Conservationists want the state to buy the land, which would cost more than $10 million, and preserve it from development that could pollute the Wekiva.

Gov. Bob Martinez last week endorsed buying the tracts, as did the 14-member Wekiva study commission appointed by Martinez.

"He'd certainly like to see the land acquired as quickly as possible," said Jon Peck, the governor's press secretary.

But Sen. Tom Brown, D-Port Orange, said he didn't want the Legislature to start pressuring the six-member CARL board on which property to buy with its $50 million annual budget.

If that happened, CARL might buy most of its land in South Florida, which is home to many legislators, he said.

"It starts politicizing the CARL acquisition process," Brown said. "That's the last thing we need in the world."

The Wekiva bill's Senate sponsor, Sen. Dick Langley, R-Clermont, had warned that moving up

Please see WEKIVA, B-4
Drage urges compromise to get river protection bill

By David White

TALLAHASSEE — Lawmakers, home builders and environmentalists plan to meet Monday to write a compromise bill aimed at helping preserve the pristine Wekiva River while blunting the objections of developers.

A proposal by Rep. Tom Drage, Winter Park, and 10 other lawmakers would limit but not ban construction along the Wekiva River and its tributaries.

The bill comes in two major parts:

One would discourage construction in the Wekiva River Protection Area, which would include much of the river’s drainage basin of 250 square miles in east Lake, west Seminole and north Orange counties.

The other directs the St. Johns River Water Management District to enforce even tougher building restrictions near the banks of the Wekiva, Little Wekiva, Black Water Creek, Rock Springs Run, Sulphur Run and Seminole Creek.

Existing buildings or projects that already have building permits from the water district would not be affected.

Drage said he hopes Monday’s meeting will ease concerns between Friends of the Wekiva River and the Home Builders Association of Mid-Florida.

A compromise may ease opposition to the Wekiva bill, which probably will be voted on Thursday by a House natural resources subcommittee, Drage said.

Monday’s meeting could help decide just how much of the Wekiva’s huge drainage basin would come under building restrictions.

It also could add language that would exempt from the bill owners of 1 or 2 acres along the Wekiva, allowing them to build without restrictions.

“The purpose of this whole thing will be to create a buffer to protect the wildlife habitats,” said Drage, 39, who canoed on the Wekiva as a teenager. “I’m a native of Florida, and I was born on the St. Johns River in Jacksonville.”

Henry Dean, St. Johns water district executive director; Rep. Stan Bainter, R-Tavares; and Rep. Frank Stone, R-Casselberry, also are scheduled to join Drage at the meeting.

The Wekiva bill, as it stands now, would order the St. Johns water district to enforce tight building restrictions by Nov. 1 along the Wekiva and related waterways.

Dean said the water district board last month proposed buffer zones for the Wekiva that could be in place by late July.

Drage’s bill would simply strengthen the district’s power to enforce buffers and orders the district to push ahead with its plan: The bill should help deter legal challenges to the proposed buffer zones, Dean said.

The water district’s proposed buffer would extend at least 550 feet on each side of the Wekiva waterways. If wetlands extend farther, the buffer would include all the wetlands plus another 50 feet of dry uplands.

Glenn Lowe, a chief environmental specialist with the water district, said the buffers wouldn’t mean an end to construction near the river. For instance, houses spaced a half-mile apart and boardwalks to wetlands might be allowed, he said.

But the water district would require people to show that any building within the buffer zone would not hurt the river.

Charles Lee, senior vice president of the Florida Audubon Society, was disappointed that the proposal does not call for a ban on construction.

“That is not a buffer,” said Lee.

But Lowe said a complete ban would create “a lot of needless problems” with landowners demanding that the state buy small parcels located mostly in the buffer zone.

Besides supporting the water district’s buffer program, Drage’s bill also allows landowners to appeal to a circuit court if they fear the district’s buffers make it impossible for them to use their land.

The court could order the water district either to buy the land or to issue a building permit, or it could side with the water district and make the landowner pay court costs and legal fees.

“That’s no way to deal with legislation,” said Richard Allison of Orlando, a director of the Home Builders Association of Mid-Florida.
Compromise may set smoother course for Wekiva bill

By David White

SENTINEL TALLAHASSEE BUREAU

TALLAHASSEE — Lawmakers have worked out a deal between developers and environmentalists that could mean smooth sailing for a bill designed to protect the Wekiva River.

Sen. Dick Langley, R-Clermont, said Thursday there's a good chance the Legislature will pass a revised bill today and send it to Gov. Bob Martinez, who supports it.

The bill would limit construction along the spring-fed river, which flows for 15 miles through east Lake, west Seminole and north Orange counties.

The compromise version also could force the state in a few years to buy and preserve thousands of acres near the Wekiva.

The measure would:

- Exempt from the bill Wekiva Falls, a proposed development of 2,800 homes that Hollywood Inc. wants to build along the Wekiva in Lake County.
- Limit the ability of the Department of Community Affairs to review building plans filed by developers before April 1.
- Direct state officials to start negotiating to buy sensitive land near the Wekiva within a few years.
- Direct Lake, Seminole and Orange counties by April 1 to write land-use plans that allow only developments that preserve the rural character of 150 square miles of the Wekiva's drainage basin.
- The St. Johns River Water Management District by Nov. 1 to ban almost all construction within at least 550 feet of the Wekiva and five tributaries.

Florida Audubon Society spokesman Charles Lee said he wasn't crazy about the idea, but added that Wekiva Falls might have been exempt anyway, since Hollywood Inc. already applied for some building permits.

The compromise relies more on Lake, Orange and Seminole county officials to make sure developers don't plan too many buildings near the river before parts of the Wekiva bill take effect next spring.

The state's Conservation and Recreation Lands program has considered spending about $16 million to buy 15,000 undeveloped acres in Orange and Lake counties north of Wekiva Springs State Park.

Other conservation projects rank higher on CARL's list. But the bill would direct the CARL selection committee to start buying the land if it thought the Wekiva measure wasn't keeping the river clean enough.

The bill also would direct:

- The St. Johns River Water Management District by Nov. 1 to ban almost all construction within at least 550 feet of the Wekiva and five tributaries.
By David White

TALLAHASSEE — State officials must start negotiating to buy and preserve 22,000 acres near the Wekiva River under a bill that was sent to Gov. Bob Martinez Friday.

The measure passed the Senate and House and is expected to be signed Monday by the governor, who supports buying land to protect the river from pollution.

It is designed to limit construction and preserve the rural nature of 150 square miles in the Wekiva’s drainage basin in Lake, west Seminole and north Orange counties.

“We hope this will give the message to all the governments and developers concerned that the state of Florida is serious about protecting this resource,” said House sponsor Tom Drage, R-Winter Park.

Senate sponsor Dick Langley, R-Clermont, said the bill represented a compromise between builders, county governments and the Florida Audubon Society.

“I see it as a good environmental move in advance of the problem instead of after the problem,” said Langley, noting that the spring-fed Wekiva still is relatively unpolluted.

Lake County Commissioner Don Bailey said the plan would make the Wekiva "one of the most environmentally protected areas in the state."

Florida Home Builders Association lobbyist Richard Gentry said the bill is "probably something developers can live with."

The Wekiva bill passed by the Senate would direct the Department of Natural Resources to start negotiating to buy land that the Conservation and Recreation Lands program has considered buying near the Wekiva.

The tracts, which would cost at least $17 million, include:

- St. Johns River, 8,290 acres in Lake and Volusia counties east of State Road 44, 30 miles north of Orlando.
- Seminole Springs, 9,200 acres in Lake county north of State Road 46, 11 miles west of Sanford.
- The only way to really preserve an area and make sure it’s managed to protect the environment is if you own it,” said Charles Lee, senior vice president of the Florida Audubon Society.

The bill also would direct:

- The St. Johns River Water Management District by Nov. 1 to ban almost all construction within at least 500 feet of the Wekiva and five tributaries: the Little Wekiva, Black Water Creek, Rock Springs Run, Sulphur Run and Seminole Creek.

Houses spaced every half mile near the river might be allowed, but not much else. Tracts smaller than 10 acres would not be affected.

- Lake, Seminole and Orange counties to write by April 1 land-use plans that only allow construction that preserves the rural character of about 150 square miles of the Wekiva’s drainage basin.

The basin is mostly north of State Road 436, south of Lake Nona, east of County Roads 435 and 437, and west of Longwood, Markham Road and Interstate 4.

Wekiva Falls, a development of 2,800 homes Hollywood Inc. wants to build on 1,472 acres along the Wekiva in Lake County, would be exempt from the regulations because the company already has applied for some development permits.
The 2006 Florida Statutes

Title XXVIII  Chapter 369  View Entire Chapter
NATURAL RESOURCES; CONSERVATION, RECLAMATION, CONSERVATION AND USE

369.309 Airboats prohibited; exceptions; penalties.--

(1) The operation of an airboat on the Wekiva River System shall be prohibited. For the purposes of this section, an airboat is any boat, sled, skiff, or swamp vessel that is pushed, pulled, or propelled by air power generated by a nondetachable motor of more than 10 horsepower.

(2) The provisions of this section shall not apply in the case of an emergency or to any employee of a municipal, county, state, or federal agency or their agents on official government business.

(3) Persons convicted for violation of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s 775.082 or s 775.083.

History.--s 1, ch 90-81
369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.--

(1) Notwithstanding the provisions of s 380.06(15), the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

(2) Notwithstanding the provisions of s 380.0651 or any other provisions of chapter 380, the numerical standards and guidelines provided in chapter 28-24, Florida Administrative Code, shall be reduced by 50 percent as applied to proposed developments entirely or partially located within the Wekiva River Protection Area.

(3) The Wekiva River Protection Area is hereby declared to be a natural resource of state and regional importance. The East Central Florida Regional Planning Council shall adopt policies as part of its strategic regional policy plan and regional issues list which will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, habitat of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, and native vegetation in the Wekiva River Protection Area. The council shall also cooperate with the department in the department's implementation of the provisions of s 369.305.

(4) The provisions of s 369.305 of this act shall be inapplicable to developments of regional impact in the Wekiva River Protection Area if an application for development approval was filed prior to June 1, 1988, and in the event that a development order is issued pursuant to such application on or before April 1, 1989.

(5) The Department of Environmental Protection is directed to proceed to negotiate for acquisition of conservation and recreation lands projects within the Wekiva River Protection Area provided that such projects have been deemed qualified under statutory and rule criteria for purchase and have been placed on the priority list for acquisition by the advisory council created in s. 259.035 or its successor.
The 2006 Florida Statutes

Title XXVIII
NATURAL RESOURCES; CONSERVATION, RECLAMATION, CONSERVATION AND USE

369.303 Definitions.--As used in this part.

(1) "Council" means the East Central Florida Regional Planning Council

(2) "Counties" means Orange, Seminole, and Lake Counties.

(3) "Department" means the Department of Community Affairs

(4) "Development of regional impact" means a development which is subject to the review procedures established by s 380.06 or s. 380.065, and s. 380.07.

(5) "Land development regulation" means a regulation covered by the definition in s. 163.3164(23) and any of the types of regulations described in s. 163.3202.

(6) "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss 163.3164-163.3215

(7) "Revised comprehensive plan" means a comprehensive plan prepared pursuant to ss. 163.3164-163.3215 which has been revised pursuant to chapters 85-55, 86-191, and 87-338, Laws of Florida, and subsequent laws amending said sections

(8) "Wekiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area. "Wekiva River development permit" shall not include a building permit, certificate of occupancy, or other permit relating to the compliance of a development with applicable electrical, plumbing, or other building codes.

(9) "Wekiva River Protection Area" means the lands within: Township 18 south range 28 east; Township 19 south range 28 east, less those lands lying west of a line formed by County Road 437, State Road 46, and County Road 435; Township 19 south range 29 east; Township 20 south range 28 east, less all lands lying west of County Road 435; and Township 20 south range 29 east, less all those lands east of Markham Woods Road.

(10) "Wekiva River System" means the Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, and Seminole Creek.

History.--s 1, ch 88-121, s 26, ch 88-393, s 46, ch 91-221, s 4, ch 93-206
369.305 Review of local comprehensive plans, land development regulations, Wekiva River development permits, and amendments.--

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

(a) Each county's local comprehensive plan shall contain goals, policies, and objectives which result in the protection of the:

1. Water quantity, water quality, and hydrology of the Wekiva River System;
2. Wetlands associated with the Wekiva River System;
3. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System;
4. Habitat within the Wekiva River Protection Area of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code; and
5. Native vegetation within the Wekiva River Protection Area.

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

1. Provisions to ensure the preservation of sufficient habitat for feeding, nesting, roosting, and resting so as to maintain viable populations of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, within the Wekiva River Protection Area.
2. Restrictions on the clearing of native vegetation within the 100-year flood plain.
3. Prohibition of development that is not low-density residential in nature, unless that development has less impacts on natural resources than low-density residential development.
4. Provisions for setbacks along the Wekiva River for areas that do not fall within the protection zones established pursuant to s. 373.415.
5. Restrictions on intensity of development adjacent to publicly owned lands to prevent adverse impacts to such lands.
6. Restrictions on filling and alteration of wetlands in the Wekiva River Protection Area.
7. Provisions encouraging clustering of residential development when it promotes protection of environmentally sensitive areas, and ensuring that residential development in the aggregate shall be of a rural
density and character.

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

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

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

(2) Each county shall, within 10 days of adopting any necessary amendments to its local comprehensive plan and land development regulations or new land development regulations pursuant to subsection (1), submit them to the department, which shall, within 90 days, review the amendments and any new land development regulations and make a determination.

(3) If the department determines that the local comprehensive plan and land development regulations as amended or supplemented comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to confirm its determination. If the department determines that the amendments and any new land development regulations that a county has adopted do not meet the criteria established in subsection (1), or the department receives no amendments or new land development regulations and determines that the county’s existing local comprehensive plan and land development regulations do not comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary to meet the criteria in subsection (1). A determination or petition made by the department pursuant to this subsection shall not be final agency action.

(4) The Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, shall render an order on the petition. Any local government comprehensive plan amendments directly related to the requirements of this subsection and subsections (1), (2), and (3) may be initiated by a local planning agency and considered by the local governing body without regard to statutory or local ordinance limitations on the frequency of consideration of amendments to local comprehensive plans.

(5) During the period of time between the effective date of this act and the due date of a county’s revised local government comprehensive plan as established by s. 163.3167(2) and chapter 9J-12, Florida Administrative Code, any local comprehensive plan amendment or amendment to a land development regulation, adopted or issued by a county, which applies to the Wekiva River Protection Area, or any Wekiva River development permit adopted by a county, solely within protection zones established pursuant to s. 373.415, shall be sent to the department within 10 days after its adoption or issuance by the local governing body but shall not become effective until certified by the department as being in compliance with purposes described in subsection (1) The department shall make its decision on certification within 60 days after
receipt of the amendment or development permit solely within protection zones established pursuant to s. 373.415. The department's decision on certification shall be final agency action. This subsection shall not apply to any amendments or new land development regulations adopted pursuant to subsections (1)-(4) or to any development order approving, approving with conditions, or denying a development of regional impact.

(6) In its review of revised comprehensive plans after the due dates described in subsection (5), and in its review of comprehensive plan amendments after those due dates, the department shall review the local comprehensive plans, and any amendments, which are applicable to portions of the Wekiva River Protection Area for compliance with the provisions of subsection (1) in addition to its review of local comprehensive plans and amendments for compliance as defined in s. 163.3184; and all the procedures and penalties described in s. 163.3184 shall be applicable to this review.

(7) The department may adopt reasonable rules and orders to implement the provisions of this section.

History.--s 1, ch 88-121, s 26, ch 88-393, s 14, ch 95-146
The 2006 Florida Statutes

Title XXVIII
NATURAL RESOURCES; CONSERVATION, RECLAMATION, CONSERVATION AND USE

Chapter 369
CONSERVATION

369.301 Short title.--This part may be cited as the "Wekiva River Protection Act."

History.--s. 1, ch 88-121, s 26, ch 88-393
(7) No Breeders' Crown Meet shall exceed 3 days in any calendar year.

(8) The provisions of this section shall prevail over any conflicting provisions of this chapter.

Section 3. This act shall take effect October 1, 1988.

Became a law without the Governor's approval June 17, 1988.

Filed in Office Secretary of State June 17, 1988.

Committee Substitute for House Bill No. 1265

An act relating to conservation; creating part III of chapter 369, F.S., creating the Wekiva River Protection Act; providing definitions; providing for review of local comprehensive plans, land development regulations, and certain development permits, and amendments thereto, applicable to the Wekiva River Protection Area; providing criteria; providing procedures; providing duties of Orange, Lake, and Seminole Counties, the Department of Community Affairs, and the Land and Water Adjudicatory Commission; requiring a report; authorizing adoption of rules; providing procedure for development permits and development-of-regional-impact review within the Wekiva River Protection Area; directing the Department of Natural Resources to negotiate for the acquisition of conservation and recreation lands; creating s. 373.415, F.S., directing the St. Johns River Water Management District to establish protection zones to prevent certain harm to the Wekiva River System; requiring certain consistency with local comprehensive plans and land development regulations prior to issuance of certain permits; directing the district to develop a groundwater basin resource availability inventory; reserving certain authority to the water management districts, counties, and municipalities; providing applicability of certain provisions for judicial review; providing an effective date.

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

Section 1. Part III of chapter 369, Florida Statutes, consisting of sections 369.301, 369.303, 369.305, and 369.307, is created to read:

PART III
WEKIVA RIVER PROTECTION

369.301 Short title.--This part may be cited as the "Wekiva River Protection Act."

369.303 Definitions.--As used in this part:

(1) "Council" means the East Central Florida Regional Planning Council.
CHAPTER 88-121 LAWS OF FLORIDA CHAPTER 88-121

(2) "Counties" means Orange, Seminole, and Lake Counties.

(3) "Department" means the Department of Community Affairs.

(4) "Development of regional impact" means a development which is subject to the review procedures established by s. 380.06 or s. 380.065, and s. 380.07.

(5) "Land development regulation" means a regulation covered by the definition in s. 163.3164(24), and any of the types of regulations described in s. 163.3202.

(6) "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss. 163.3164-163.3215.

(7) "Revised comprehensive plan" means a comprehensive plan prepared pursuant to ss. 163.3164-163.3215 which has been revised pursuant to chapters 85-35, 86-191, and 87-338, Laws of Florida, and subsequent laws amending said sections.

(8) "Wekiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area. "Wekiva River development permit" shall not include a building permit, certificate of occupancy, or other permit relating to the compliance of a development with applicable electrical, plumbing, or other building codes.

(9) "Wekiva River Protection Area" means the lands within: Township 18 south range 28 east; Township 19 south range 28 east; Township 19 south range 28 east, less those lands lying west of a line formed by County Road 437, State Road 46, and County Road 435; Township 19 south range 28 east; Township 20 south range 28 east, less all lands lying west of County Road 435; and Township 20 south range 28 east, less all those lands east of Longwood Markham Road.

(10) "Wekiva River System" means the Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, and Seminole Creek.

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

(1) It is the intent of the Legislature that comprehensive plans and land development regulations of Orange, Lake, and Seminole Counties be revised to protect the Wekiva River Protection Area prior to the due dates established in ss. 163.3167(2) and 163.3202 and Chapter 90-12, Florida Administrative Code. It is also the intent of the Legislature that the counties emphasize this important state resource in their planning and regulation efforts. Therefore, each county shall, by April 1, 1989, review and amend those portions of its local comprehensive plan and its land development regulations applicable to the Wekiva River Protection Area, and, if necessary, adopt additional land development regulations which are applicable to the Wekiva River Protection Area, to meet the following criteria:

(a) Each county's local comprehensive plan shall contain goals, policies, and objectives which result in the protection of the: 

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

2. Wetlands associated with the Wekiva River System;

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

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

5. Native vegetation within the Wekiva River Protection Area.

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

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

2. Restrictions on the clearing of native vegetation within the 100-year floodplain.

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

4. Provisions for setbacks along the Wekiva River for areas that do not fall within the protection zones established pursuant to s. 373.415.

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

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

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

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

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

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

(2) Each county shall, within 10 days of adopting any necessary amendments to its local comprehensive plan and land development regulations or new land development regulations pursuant to subsections (1) and (2), submit them to the department, which shall, within 90 days, review the amendments and any new land development regulations and make a determination.

(3) If the department determines that the local comprehensive plan and land development regulations as amended or supplemented comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to confirm its determination. If the department determines that the amendments and any new land development regulations that a county has adopted do not meet the criteria established in subsection (1), or the department receives no amendments or new land development regulations and determines that the county's existing local comprehensive plan and land development regulations do not comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary to meet the criteria in subsection (1). A determination or petition made by the department pursuant to this subsection shall not be final agency action.

(4) The Governor and Cabinet, sitting as the Land and Water Adjudicator Commission, shall render an order on the petition. Any local government comprehensive plan amendments directly related to the requirements of this section and subsections (1), (2), and (3) may be initiated by a local planning agency and considered by the local governing body without regard to statutory or local ordinance limitations on the frequency or consideration of amendments to local comprehensive plans.

(5) During the period of time between the effective date of this act and the due date of a county's revised local government comprehensive plan as established by s. 163.3167(2) and Chapter 93-12, Florida Administrative Code, any local comprehensive plan amendment or amendment to a land development regulation adopted by a county, which applies to the Wekiva River Protection Area, or any Wekiva River development permit solely within protection zones established under section 373.415 adopted by a county, shall be sent to the department within 10 days after its adoption by the local governing body, but shall not become effective until certified by the department as being in compliance with purposes described in subsection (1). The department shall make its decision on certification within 60 days after receipt of the application or permit solely within protection zones established under section 373.415. The department's decision on certification shall be final agency action. This subsection shall not apply to any amendments or new land development regulations adopted pursuant to subsections (1) through (4) or to any development order approving,
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approving with conditions, or denying a development of regional impact.

(6) Prior to March 1, 1990, the department shall prepare and deliver to the Governor, the Speaker of the House of Representatives, the Majority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate, a report recommending whether the reviews and certifications of amendments to land development regulations and development permits required under subsection (5) should be continued after the due dates described therein.

(7) In its review of revised comprehensive plans after the due dates described in subsection (5), and in its review of comprehensive plan amendments after those due dates, the department shall review the local comprehensive plans, and any amendments, which are applicable to portions of the Wekiva River Protection Area, for compliance with the provisions of subsection (5), in addition to its review of local comprehensive plans and amendments for compliance as defined in s. 163.3184; and all the procedures and penalties described in s. 163.3184 shall be applicable to this review.

(8) The department may adopt reasonable rules and orders to implement the provisions of this section.

369.307 Developments of regional impact in the Wekiva River Protection Area.--

(1) Notwithstanding the provisions of s. 380.06(15), the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

(2) Notwithstanding the provisions of s. 380.0651 or any other provisions of chapter 380, the numerical standards and guidelines provided in Chapter 28-24, Florida Administrative Code, shall be reduced by 50 percent as applied to proposed developments entirely or partially located within the Wekiva River Protection Area.

(3) The Wekiva River Protection Area is hereby declared to be a natural resource of state and regional importance. The East Central Florida Regional Planning Council shall adopt policies as part of its comprehensive regional policy plan and regional issues list which will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, habitat of species designated pursuant to Rules 19-21.003, 19-21.004, and 19-21.005, Florida Administrative Code, and native vegetation in the Wekiva River Protection Area. The council shall also cooperate with the department in the department’s implementation of the provisions of s. 369.305.

(4) The provisions of s. 369.305 of this act shall be inapplicable to developments of regional impact in the Wekiva River Protection Area if an application for development approval was filed prior to June 1, 1988, and in the event that a development order is issued pursuant to such application on or before April 1, 1989.

(5) The Department of Natural Resources is directed to proceed to negotiate for acquisition of conservation and recreational lands
projects within the Wekiva River Protection Area, provided that such projects have been deemed qualified under law for purchase, and have been placed on the priority list for acquisition by the Selection Committee created in s. 259.025.

Section 2. Section 373.415, Florida Statutes, is created to read:

373.415 Protection zones; duties of the St. Johns River Water Management District.--

(1) Not later than November 1, 1988, the St. Johns River Water Management District shall adopt rules establishing protection zones adjacent to the watercourses in the Wekiva River System, as designated in s. 369.303(10). Such protection zones shall be sufficiently wide to prevent harm to the Wekiva River System, including water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent wildlife species, caused by any of the activities regulated under this part. Factors on which the widths of the protection zones shall be based shall include, but not be limited to:

(a) The biological significance of the wetlands and uplands adjacent to the designated watercourses in the Wekiva River System, including the nesting, feeding, breeding, and resting needs of aquatic species and wetland-dependent wildlife species.

(b) The sensitivity of these species to disturbance, including the short-term and long-term adaptability to disturbance of the more sensitive species, both migratory and resident.

(c) The susceptibility of these lands to erosion, including the slope, soils, runoff characteristics, and vegetative cover.

In addition, the rules may establish permitting thresholds, permitting exemptions, or general permits, if such thresholds, exemptions, or general permits do not allow significant adverse impacts to the Wekiva River System to occur individually or cumulatively.

(2) Notwithstanding the provisions of s. 120.60, the St. Johns River Water Management District shall not issue any permit under this part within the Wekiva River Protection Area, as defined in s. 369.303(10), until the appropriate local government has provided written notification to the district that the proposed activity is consistent with the local comprehensive plan and is in compliance with any land development regulation in effect in the area where the development will take place. The district may, however, inform any property owner who makes a request for such information as to the location of the protection zone or zones on his property. However, if a development proposal is amended as a result of the review by the district, a permit may be issued prior to the development proposal being returned, if necessary, to the local government for additional review.

(3) Not later than March 1, 1991, the St. Johns River Water Management District shall develop a groundwater basin resource availability inventory as provided in s. 373.0395 for the Wekiva River Protection Area and shall establish minimum flows and minimum water levels for the groundwater in the aquifer underlying...
the Wekiva Basin as depicted on the map entitled "Wekiva Basin, 40C-41" which is on file at the offices of the St. Johns River Water Management District.

(4) Nothing in this section shall affect the authority of the water management districts created by this chapter to adopt similar protection zones for other watercourses.

(5) Nothing in this section shall affect the authority of the water management districts created by this chapter to decline to issue permits for development which have not been determined to be consistent with local comprehensive plans or in compliance with land development regulations in areas outside the Wekiva River Protection Area.

(6) Nothing in this section shall affect the authority of counties or municipalities to establish setbacks from any surface waters or watercourses.

(7) The provisions of s. 373.617 are applicable to final actions of the St. Johns River Water Management District with respect to a permit or permits issued pursuant to this section.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 17, 1988.

Filed in Office Secretary of State June 17, 1988.

CHAPTER 88-122
Committee Substitute for House Bill Nos. 1574, 1422, 1430, 1438, 1439, and 1567

An act relating to the correctional system; amending s. 20.315, F.S.; correcting the number of budget entities within the Department of Corrections; providing the budget procedure for the Correctional Education School Authority; amending s. 242.68, F.S.; revising membership of the Board of Correctional Education; providing additional responsibilities of the board; providing requirements relating to the provision of adult basic education for inmates meeting certain criteria; providing responsibilities of the education program manager; providing standards for vocational training programs; providing for a feasibility study concerning provision of a power lineman vocational training program; providing requirements of contract educational services for inmates; mandating the use of career service instructors in certain circumstances; requiring the Secretary of Corrections to notify the Governor when the inmate population reaches a certain level; authorizing the secretary to grant provisional credits to specified inmates upon an acknowledgment by the Governor that the inmate population has reached that level; requiring the department to establish a provisional release date for certain inmates based on provisional credits that have been granted; providing for the release of certain inmates into the provisional release supervision program
**BILL VOTE SHEET**

( VS-88: File with Secretary of Senate)  
BILL NO. SB 753

**COMMITTEE ON:** Natural Resources and Conservation

**DATE:** May 24, 1988

**TIME:** 9:00 a.m. - 12:00 n.

**PLACE:** Room H, Senate Office Building

**OTHER COMMITTEE REFERENCES:**
(in order shown)

**ACTION:** Favorably with 2 amendments

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**THE VOTE WAS:**

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Please Complete: The Key sponsor appeared ( )
A Senator appeared ( )
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Other appearance ( X )