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A bill to be entitled
 An act relating to the Florida Springs Protection Act;
 creating part IV of ch. 369, F.S., relating to spring
 protection; providing a popular name; providing
 legislative intent; providing definitions; requiring the
 Department of Environmental Protection and water
 management districts to delineate springsheds and primary
 protection zones for first and second magnitude springs;
 providing requirements and procedures with respect
 thereto; providing rulemaking authority; requiring the
 department to establish criteria for impairment of springs
 and implement total maximum daily loads for such springs;
 providing requirements and procedures with respect
 thereto; requiring local governments with jurisdiction
 over certain springs to review and amend comprehensive
 plans; prohibiting certain activities within primary
 protection zones; requiring a special use permit for
 limited activities within primary protection zones;
 providing an effective date.

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

Section 1. Part IV of chapter 369, Florida Statutes,
 consisting of sections 369.401, 369.403, 369.405, 369.407,
 369.409, 369.411, 369.413, and 369.415, is created to read:

PART IV
SPRINGS PROTECTION

28 369.401 Part title.--This part may be cited as the
29 "Florida Springs Protection Act."

30 369.403 Legislative intent.--

31 (1) The Legislature recognizes that Florida's springs are
32 a precious and fragile natural resource that must be protected.
33 Flow and water quality at springs are indicators of local
34 conditions in the Floridan Aquifer and other major aquifers
35 which are also drinking water sources for many citizens of this
36 state. Florida's springs also provide recreational opportunities
37 for swimmers, boaters, wildlife watchers, and cave divers.
38 Because of these recreational opportunities, and accompanying
39 tourism, many of Florida's springs provide great financial
40 benefits to local economies. In addition, springs provide
41 critical habitat for numerous endangered or threatened species
42 of plants and animals and serve as general indicators of the
43 quality of groundwater resources.

44 (2) The Legislature recognizes that a spring is only as
45 healthy as its springshed. The groundwater that supplies springs
46 is derived from rainfall that recharges aquifer systems in the
47 form of seepage from the land surface and through direct
48 conduits such as sinkholes. As a result, the hydrologic and
49 environmental condition of a spring or spring run is directly
50 influenced by activities and land uses within the springshed.

51 (3) The Legislature recognizes that a number of the
52 state's springs, including Crystal Springs, De Leon Springs,
53 Fanning Springs, Lithia Springs, Manatee Springs, Ponce De Leon
54 Springs, Rainbow Springs, Silver Springs, Wakulla Springs, Weeki
55 Wachee Springs, and Wekiva Springs, currently have elevated

56 nutrient concentrations, as determined by department
57 bioassessments. Elevated nutrient concentrations may lead to
58 increases in algae growth that decrease water clarity and change
59 both the aesthetic qualities and the natural ecology of springs.

60 (4) The Legislature recognizes that state standards
61 regulating nutrient concentrations in ground water, including
62 minimum criteria, are intended to protect human health and are
63 not based on protection of the complex biological and ecological
64 systems that contribute to the integrity of the state's springs.

65 (5) The Legislature recognizes that springshed boundaries
66 and areas of high vulnerability within springsheds often have
67 not been identified and that to adequately protect springs,
68 these areas must be delineated and characterized using the best
69 available data.

70 (6) The Legislature recognizes that because springsheds
71 cross local government jurisdictional boundaries, a coordinated,
72 statewide springs protection plan is required.

73 (7) It is the intent of the Legislature that local
74 governments whose jurisdictions are within springsheds emphasize
75 the importance of this state resource in their planning and
76 regulation efforts.

77 (8) It is the intent of the Legislature that future
78 amendments to comprehensive plans adopted by local governments
79 whose jurisdictions are within the springsheds of first and
80 second magnitude and other locally significant springs include
81 land development regulations that protect the water quantity and
82 quality of those springs.

83 (9) It is the intent of the Legislature that state
 84 agencies and water management districts work together with local
 85 governments to provide the data necessary to delineate
 86 springsheds and protection zones and to develop comprehensive
 87 plans and land development regulations that protect state
 88 springs. The Legislature recognizes that urgent action is needed
 89 and can be reasonably based on best available data.

90 369.405 Definitions.--As used in this part:

91 (1) "Department" means the Department of Environmental
 92 Protection, which includes the Florida Geological Survey.

93 (2) "First and second magnitude springs" means those
 94 springs identified as first or second magnitude by the Florida
 95 Geological Survey in Florida Geological Survey Bulletin No. 66
 96 (2004), "Springs of Florida."

97 (3) "Karst" means landforms that have been modified by
 98 dissolution of soluble rock such as limestone or dolostone.

99 (4) "Karst terrain" means a terrain, generally underlain
 100 by limestone or dolostone, in which the topography is chiefly
 101 formed by the dissolution of rock and which may be characterized
 102 by sinkholes, sinking streams, closed depressions, subterranean
 103 drainage, and caves.

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

106 (6) "Local government" means a local government whose
 107 jurisdiction includes a first or second magnitude spring or any
 108 part of a primary or secondary protection zone for a first or
 109 second magnitude spring.

110 (7) "Primary protection zone" means the geographic area
111 within a springshed identified by the department under s.
112 369.407 that, because of its proximity or connectivity to the
113 spring or its karst features, or both, contributes directly to a
114 spring's flow and water quality.

115 (8) "Reclaimed water" means wastewater that has received
116 at least secondary treatment and basic disinfection and is
117 reused after flowing out of a domestic wastewater treatment
118 facility.

119 (9) "Reuse" means the deliberate application of reclaimed
120 water, in compliance with department and water management
121 district rules, for a beneficial purpose.

122 (10) "Secondary protection zone" means the geographic area
123 within a springshed identified by the department under s.
124 369.407 that is located within the springshed but outside the
125 primary protection zone.

126 (11) "Spring" means a point at which groundwater emerges
127 onto the earth's surface, including under any surface water of
128 the state, excluding seeps. The term "spring" includes karst
129 windows, which are depression openings that reveal portions of a
130 subterranean flow or the unroofed portion of a cave. The term
131 also includes spring runs, the flow of which is predominantly
132 composed of spring discharge.

133 (12) "Springshed" or "spring recharge basin" means those
134 areas within groundwater and surface water basins that
135 contribute to the discharge of a spring. The position of the
136 divide is orthogonal to isopotential lines.

137 (13) "Travel time" means the time required for water to
 138 travel horizontally, vertically, or a combination thereof from
 139 any point in the springshed to the point at which it emerges
 140 from the ground and contributes to the flow of a spring or
 141 spring run.

142 369.407 Delineation of springsheds and primary protection
 143 zones.--

144 (1) The department, in cooperation with water management
 145 districts, shall delineate springsheds and primary protection
 146 zones for all first and second magnitude springs.

147 (2) The delineation of springsheds and primary protection
 148 zones shall be accomplished using best available data from water
 149 management districts, the Florida Geological Survey, and other
 150 credible sources. The delineation of protection zones shall be
 151 based on a consideration of the following:

152 (a) Proximity or connectivity to the spring.

153 (b) Travel time.

154 (c) Proximity to karst features.

155 (d) Hydrogeologic characteristics of the springshed such
 156 as the nature and extent of confining units within the
 157 groundwater flow system and the location of areas delineated as
 158 recharge areas.

159 (e) Areas that contribute surface water drainage or
 160 overland flow to the spring and its springshed.

161 (f) Data from Florida Geological Survey's Florida Aquifer
 162 Vulnerability Assessment.

163 (g) Other objective and credible data.

164 (3) Because of the urgent need for a consistent mapping
165 effort that can be used by state agencies and local governments,
166 the delineation of springsheds and primary protection zones
167 shall begin immediately upon passage of this act. A statewide
168 springshed delineation map shall be proposed for adoption by the
169 department no later than 3 years after this act takes effect.
170 The department is authorized to adopt interim primary protection
171 zones using simple distance criteria from a spring, spring run,
172 sinkhole, conduit, or other feature significant to spring
173 discharge.

174 (4) The department shall adopt rules, pursuant to ss.
175 120.536(1) and 120.54, to implement the provisions of this
176 chapter.

177 (5) The springsheds and primary zones delineated pursuant
178 to subsection (1) and the rules adopted pursuant to subsection
179 (4) shall be periodically reviewed and amended as necessary.

180 369.409 Establishment and implementation of total maximum
181 daily loads for impaired first and second magnitude springs.--

182 (1) Within 2 years after this act becomes law, the
183 department shall establish criteria for impairment of first and
184 second magnitude springs. In determining impairment, the
185 department shall consider without limitation all of the
186 following:

187 (a) Existing water quality and water quality trends,
188 especially nutrient and chlorophyll-a concentrations.

189 (b) The presence of algae that diminish clarity and may
190 affect contact recreation.

191 (c) Imbalance in flora and fauna.

192 (d) Aesthetics as they affect economic value of a
 193 particular spring.

194
 195 Following the establishment of such criteria, the department
 196 shall create a list of impaired first and second magnitude
 197 springs to be added to the existing list of impaired waters
 198 subject to s. 403.067. A spring may be designated as impaired
 199 if, in the judgment of the department, it is likely to become
 200 impaired.

201 (2) The department shall, pursuant to s. 403.067,
 202 establish and implement total maximum daily loads for all
 203 impaired first and second magnitude springs in the state as
 204 determined under subsection (1).

205 (3) In establishing and implementing the total maximum
 206 daily loads of nutrients for springs, the department, or the
 207 department in conjunction with appropriate water management
 208 districts, shall develop a watershed or basin management plan,
 209 as specified in s. 403.067(7), that addresses protection of
 210 springshed water quantity and quality.

211 (4) The establishment and implementation of total maximum
 212 daily loads of nutrients shall include the reasonable and
 213 equitable allocation of the total maximum daily loads to each
 214 local government.

215 (5) The department shall, within the period mandated in
 216 subsection (1), set the schedule for establishing and
 217 implementing total maximum daily loads for springs.

218 369.411 Review and amendment of local comprehensive plans
 219 to protect spring water recharge and quality.--

220 (1) Within 1 year after the department's completion of
 221 springshed and protection zone delineations as required under s.
 222 369.407, each local government shall review its local
 223 comprehensive plan and recommend amendments to the comprehensive
 224 plan to ensure that it contains goals, objectives, and policies
 225 that result in the protection of the quantity and quality of
 226 water discharged from any first or second magnitude spring whose
 227 springshed is located wholly or partly within the jurisdiction
 228 of the local government. Guidance during this review shall be
 229 provided by the Department of Community Affairs, water
 230 management districts, and the department.

231 (2) Within 1 year after completion of the review specified
 232 in subsection (1), each local government shall consider the
 233 recommended amendments and adopt measures to ensure that land
 234 use activities within its jurisdiction:

235 (a) Do not diminish the quality of groundwater recharge
 236 within the springshed.

237 (b) Do not reduce groundwater recharge capability within
 238 the springshed.

239 369.413 Prohibited activities within primary protection
 240 zones.--The following activities shall be prohibited within
 241 primary protection zones:

242 (1) New industrial wastewater disposal systems.

243 (2) New landfills, including lined landfills.

244 (3) New rapid infiltration basins.

245 369.415 Limited or conditional uses within primary
 246 protection zones.--

247 (1) The following shall be permitted in a primary
248 protection zone only by special use permit in accordance with
249 local ordinances:

250 (a) New slow-rate land application systems, excluding the
251 reuse of reclaimed water.

252 (b) New onsite sewage disposal systems at a density of
253 greater than 1 per 5 acres, except those that make use of
254 advanced, low nutrient output designs approved by the Department
255 of Health.

256 (c) New facilities for the transfer, storage, or disposal
257 of hazardous materials or waste, including SARA 302 facilities.

258
259 Other land uses may be prohibited in the local comprehensive
260 plan at the discretion of a local government, after considering
261 existing land use patterns and the potential for damage to a
262 particular spring.

263 (2) Local governments shall ensure that their
264 comprehensive plan reflects these limited uses and is
265 implemented through passage of a local ordinance.

266 Section 2. This act shall take effect July 1, 2005.