

Bill No. SB 2538

Barcode 942672

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Argenziano)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

PART IV

SPRINGS PROTECTION

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

369.403 Legislative findings and intent.--

(1) The Legislature finds that Florida springs,  
whether in urban or rural settings, public parks, or private  
lands, are threatened by actual and potential flow reductions  
and declining water quality. As a result of climate patterns  
and population changes over the past 30 years, many of  
Florida's springs exhibit signs of distress, including

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1 increased nutrient loads and lower discharges. The groundwater  
2 that feeds springs is recharged by seepage from the surface,  
3 from surface runoff, and through direct conduits such as  
4 sinkholes.

5 (2) The Legislature further finds that springs and  
6 groundwater damaged by overuse can be restored through good  
7 stewardship, including effective planning strategies and best  
8 management practices to preserve and protect the springs. Land  
9 use planning decisions can protect and improve spring water  
10 quality and quantity, as well as upland resources. Managing  
11 land use types and allowable densities and intensities of  
12 development, followed by specific site planning to further  
13 minimize impacts, are important goals.

14 (3) The Legislature further finds that development in  
15 Florida will add to the pressure already affecting the surface  
16 water and groundwater resources within each area that  
17 contributes to spring flow.

18 (4) The Legislature further finds that a need exists  
19 to provide for land use decisions that protect property rights  
20 while ensuring the long-term viability of the springs in  
21 Florida.

22 (5) The Legislature further finds that cooperative  
23 coordinated efforts, such as the Suwannee River Partnership  
24 and the Wekiva River Basin Coordinating Committee, implemented  
25 by state and regional agencies, local governments, and  
26 affected interests, can best develop the mechanisms to protect  
27 Florida's springs. It is therefore the intent of the  
28 Legislature to create the Florida Springs Commission for the  
29 purpose of identifying protection, restoration, and  
30 preservation strategies for Florida springs.

31 369.405 Florida Springs Commission.--

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1           (1)(a) The Florida Springs Commission is hereby  
2 created and shall include:

3           1. The Commissioner of Agriculture, the Secretary of  
4 Community Affairs, the Secretary of Environmental Protection,  
5 the Secretary of Transportation, and the Secretary of Health,  
6 the executive director of the Fish and Wildlife Conservation  
7 Commission, a representative from a water management district  
8 governing board, a representative from a regional planning  
9 council, a representative from the Florida Chamber of  
10 Commerce, a representative from the Florida Association of  
11 Community Developers, a representative from the American Water  
12 Works Association, and a representative from the Florida Home  
13 Builders Association.

14           2. Three members appointed by the Governor consisting  
15 of:

- 16           a. A member of an environmental organization.
- 17           b. A property owner interested in springs protection.
- 18           c. A member from the business community.

19           3. Three members appointed by the President of the  
20 Senate consisting of:

- 21           a. A member of the Senate.
- 22           b. A locally elected county or municipal official.
- 23           c. A member of a conservation organization.

24           4. Three members appointed by the Speaker of the House  
25 of Representatives consisting of:

- 26           a. A member of the House of Representatives.
- 27           b. A locally elected county or municipal official.
- 28           c. A member of the agricultural community.

29           (b) The Secretary of Environmental Protection shall  
30 serve as chair of the commission.

31           (c) Members of the commission shall serve without

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1 compensation, but shall be reimbursed for per diem and travel  
2 expenses in accordance with s. 112.061.

3 (d) The state and regional governmental commission  
4 members may designate a senior staff person, who shall have  
5 full voting authority to represent the entity.

6 (e) The commission may appoint technical subcommittees  
7 to assist in the completion of the work of the commission, and  
8 such technical subcommittees may include qualified persons not  
9 on the commission.

10 (f) All state agencies are directed, and all other  
11 agencies and local governments are requested, to render  
12 assistance to and cooperate with the commission.

13 (2)(a) The commission shall perform an assessment of  
14 the existing conditions of all first and second magnitude  
15 springs. The assessment for each spring shall include, at a  
16 minimum, the following information:

- 17 1. Current land owner.
- 18 2. Latitude and longitude.
- 19 3. Water quality, water quantity, and water use.
- 20 4. Wetlands.
- 21 5. Geology and soils.
- 22 6. Vegetation.
- 23 7. Floodplain area.
- 24 8. Infrastructure.
- 25 9. Fish and wildlife resources.
- 26 10. Cultural and archaeological resources.
- 27 11. Public access and use.
- 28 12. Land use.
- 29 13. Hazardous materials.
- 30 14. Public health and safety.
- 31 15. Aesthetics and scenic resources.

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1           16. Socioeconomics.

2           (b) To assist the commission, the Department of  
3 Environmental Protection shall work with the water management  
4 districts to identify and map all first and second magnitude  
5 springs within each district. The department and districts  
6 shall cooperatively perform an assessment and create a uniform  
7 geographic information system standard for collecting and  
8 reporting springs data.

9           (3) It is recognized that many springs protection  
10 policies and programs have been developed or implemented  
11 through ongoing efforts. An evaluation of these policies and  
12 programs can serve as a baseline and will greatly assist the  
13 commission in the development of its recommended strategies.

14           (4) The commission shall evaluate the assessments and  
15 recommend strategies for protecting and ensuring the long-term  
16 viability of the state's springs. In conducting this  
17 evaluation and developing its recommended strategies, the  
18 commission shall consider:

19           (a) The protection of property rights.

20           (b) The effectiveness and application of current land  
21 use strategies.

22           (c) The development and application of innovative land  
23 use planning strategies.

24           (d) The effectiveness and sufficiency of existing  
25 regulations.

26           (e) The use of regional partnerships, best management  
27 practices, and other incentive-based nonregulatory programs.

28           (f) Relevant studies, springs protection initiatives,  
29 and other information currently available for springs  
30 protection, including those conducted or provided by:

31           1. The Suwannee River Partnership.

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- 1           2. The Wekiva Basin Area Task Force.
- 2           3. The Wekiva River Basin Coordinating Committee.
- 3           4. The Florida Springs Initiative in the Department of
- 4 Environmental Protection.

- 5           5. The Florida Springs Task Force.
- 6           (g) The use of basin management action plans developed
- 7 by the Department of Environmental Protection pursuant to the
- 8 implementation of the total maximum daily load program under
- 9 s. 403.067.

10           (5) The commission shall develop an overall model  
 11 springs protection plan that applies its recommended  
 12 strategies developed pursuant to subsection (4). The model  
 13 plan shall contain components that can be used by state  
 14 agencies, local governments, and individuals for more detailed  
 15 individual springs protection plans. Each individual plan  
 16 shall provide a 5-year strategy for the use and management of  
 17 the springs based on information from the assessment conducted  
 18 by the commission under subsection (2). The model plan shall  
 19 include, at a minimum, the following components:

- 20           (a) An analysis of environmental conditions.
- 21           (b) An analysis of present use patterns.
- 22           (c) An analysis of the ability of the spring to
- 23 support increased public use.
- 24           (d) A discussion of the economic potential of spring
- 25 use by the public.
- 26           (e) A discussion of actions needed to promote
- 27 increased public use.
- 28           (f) A discussion of infrastructure requirements.
- 29           (g) A discussion of personnel requirements.
- 30           (h) A discussion of security needs.
- 31           (i) A discussion of limits on spring use to avoid

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1 permanent detrimental impacts to the spring.

2 (j) A discussion of strategies to leverage resources  
3 for springs protection.

4 (k) A discussion of a long-term management partnership  
5 among the state, regional, and local governments and  
6 individuals within the area.

7 (6) The commission may develop and recommend other  
8 appropriate measures necessary to achieve springs protection.

9 (7) In developing its recommendations, the commission  
10 shall receive and consider public comment and shall otherwise  
11 maximize public participation from all affected parties.

12 (8) The commission shall expire July 1, 2010.

13 Section 2. This act shall take effect July 1, 2006.

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16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 Delete everything before the enacting clause

19

20 and insert:

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A bill to be entitled

22

An act relating to the Florida Springs

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Protection Act; creating pt. IV of ch. 369,

24

F.S., relating to springs protection; creating

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s. 369.401, F.S.; providing a short title;

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creating s. 369.403, F.S.; providing

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legislative intent; creating s. 369.405, F.S.;

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creating the Florida Springs Commission;

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providing for membership and the appointment of

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certain members by the Governor and the

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Legislature; authorizing reimbursement for per

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1 diem and travel expenses; authorizing  
2 appointment of technical subcommittees;  
3 directing state agencies and requesting local  
4 governments to provide assistance to the  
5 commission; requiring the Department of  
6 Environmental Protection and water management  
7 districts to identify and map certain springs;  
8 requiring the commission to perform certain  
9 assessments; providing requirements for such  
10 assessments; requiring the commission to  
11 evaluate the assessments and recommend  
12 strategies for protecting and ensuring the  
13 long-term viability of the state's springs;  
14 providing requirements and procedures therefor;  
15 requiring a model springs protection plan;  
16 providing a dissolution date for the  
17 commission; providing an effective date.

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