

By Senator Argenziano

3-1488A-06

1 A bill to be entitled
2 An act relating to the Florida Springs
3 Protection Act; creating pt. IV of ch. 369,
4 F.S., relating to springs protection; providing
5 legislative intent; creating the Florida
6 Springs Task Force; providing for membership
7 and a chair person; authorizing the task force
8 to appoint technical subcommittees; requiring
9 state agencies to render assistance to the task
10 force; requiring the task force to assess the
11 conditions of first and second magnitude
12 springs in this state; providing requirements
13 for the assessments; requiring that the task
14 force recommend strategies for protecting the
15 springs; requiring that the task force consider
16 certain additional studies and initiatives;
17 requiring that the task force develop a model
18 springs protection plan; requiring that the
19 task force take public comment; providing for
20 expiration of the task force; providing an
21 effective date.

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

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25 Section 1. Part IV of chapter 369, Florida Statutes,
26 consisting of sections 369.401, 369.403, and 369.407, is
27 created to read:

28 PART IV

29 SPRINGS PROTECTION

30 369.401 Part title.--This part may be cited as the
31 "Florida Springs Protection Act."

1 369.403 Legislative intent.--

2 (1) The Legislature finds that, in general, the
3 springs in Florida, whether found in urban or rural settings,
4 public parks, or private lands, are threatened by actual and
5 potential flow reductions and declining water quality. As a
6 result of climate patterns and population changes over the
7 past 30 years, many of the springs in this state have begun to
8 exhibit signals of distress, including increasing nutrient
9 loading and lowered discharge. The ground water that feeds
10 springs is recharged by seepage from the surface, surface
11 runoff, and through direct conduits such as sinkholes.

12 (2) The Legislature further finds that springs and
13 ground water damaged by overuse can be restored through good
14 stewardship, including effective planning strategies and
15 best-management practices that will preserve and protect the
16 springs. Land use planning decisions can protect and improve
17 the quality and quantity of spring water as well as upland
18 resources. Managing types of land use and the allowable
19 densities and intensities of development, followed by specific
20 site planning to further minimize impacts, rank as important
21 goals.

22 (3) The Legislature further finds that development in
23 this state will add to the pressure for growth and development
24 which is already affecting the surface and groundwater
25 resources within each area that contributes to spring flow.

26 (4) The Legislature further finds that there exists a
27 need to provide for land use decisions that recognize
28 protected property rights and ensure the long-term viability
29 of the springs in Florida.

30 (5) The Legislature further finds that cooperative and
31 coordinated efforts, such as the Suwannee River Partnership

1 and the Wekiva River Basin Coordinating Committee, implemented
2 by state and regional agencies, local governments, and
3 affected interests can best develop the mechanisms to protect
4 the springs in this state. It is therefore the intent of the
5 Legislature to create the Florida Springs Task Force for the
6 purpose of identifying protection, restoration, and
7 preservation strategies for springs in Florida.

8 369.407 Florida Springs Task Force.--

9 (1)(a) The Florida Springs Task Force is created and
10 shall consist of the following members:

11 1. The Commissioner of Agriculture, the Secretary of
12 Community Affairs, the Secretary of Environmental Protection,
13 the Secretary of Transportation, the Secretary of Health, the
14 executive director of the Fish and Wildlife Conservation
15 Commission, a representative from a water management district
16 governing board, and a representative from a regional planning
17 council.

18 2. Ten members jointly appointed by the Governor, the
19 President of the Senate, and the Speaker of the House of
20 Representatives, one of whom must be a member of the Senate,
21 one of whom must be a member of the House of Representatives,
22 two of whom must be local elected county or municipal
23 officials, and six of whom must reflect a balanced
24 representation from the business community, citizen groups,
25 the agricultural community, property owners, and environmental
26 or conservation organizations.

27 (b) The Secretary of Environmental Protection shall
28 serve as chair of the task force.

29 (c) Each state or regional governmental member may
30 designate a senior staff person to represent his or her
31 entity, who shall have full voting authority.

1 (d) The task force may appoint technical subcommittees
2 as needed to assist in completing the work of the task force
3 and the technical subcommittees may include qualified persons
4 who are not members of the task force.

5 (e) Each state agency is directed, and all other
6 agencies and local governments are requested, to render
7 assistance to and cooperate with the task force.

8 (2) The task force shall assess the existing condition
9 of all first and second magnitude springs. To assist the task
10 force, the Department of Environmental Protection shall work
11 with the water management districts to identify and map all
12 first and second magnitude springs within each district. The
13 department and water management districts shall cooperatively
14 perform an assessment and create a uniform
15 geographic-information-system standard for collecting and
16 reporting springs data. The assessment for each spring must
17 include, at a minimum, information concerning the spring's
18 current land owner, latitude and longitude, water quality,
19 water quantity, water use, nearby wetlands, geology, soil
20 types, vegetation, floodplain area data, nearby
21 infrastructure, fish and wildlife resources, cultural
22 resources, public access and use, land use plans, nearby
23 hazardous materials, archaeological resources, human health
24 and safety concerns, aesthetics and scenic resources, and
25 relevant socioeconomic factors.

26 (3) The task force shall evaluate and recommend
27 strategies for protecting and ensuring the long-term viability
28 of Florida's springs. In conducting this evaluation and
29 developing its recommendations, the task force shall consider:

30 (a) The protection of property rights.
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1 (b) The effectiveness and application of current land
2 use strategies.

3 (c) The development and application of innovative land
4 use planning strategies.

5 (d) The effectiveness and sufficiency of existing
6 rules.

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

9 (4) It is recognized that many policies and programs
10 for protecting springs have been developed or implemented
11 through ongoing efforts and that an evaluation of these
12 policies and programs can serve as a baseline and will greatly
13 assist the task force in developing its recommendations.
14 Therefore, in conducting its evaluation and developing
15 recommendations, the task force shall consider relevant
16 studies, springs protection initiatives, and other information
17 that is currently available for springs protection such as:

18 (a) The Suwannee River Partnership.

19 (b) The Wekiva Basin Area Task Force.

20 (c) The Wekiva River Basin Coordinating Committee.

21 (d) The Florida Springs Initiative in the Department
22 of Environmental Protection.

23 (e) The basin management action plans developed by the
24 Department of Environmental Protection pursuant to the
25 implementation of the total maximum daily load program.

26 (5) The task force shall develop an overall model
27 springs protection plan that applies the recommended
28 strategies developed pursuant to subsections (3) and (4). The
29 model plan must contain components that can be used by state
30 agencies, local governments, and state residents for more
31 detailed individual spring protection plans. Each plan must

1 outline a 5-year strategy for the use and management of the
2 spring based on information from the assessment. The model
3 plan must include at least the following components to be used
4 for each assessed spring: analysis of environmental
5 conditions, analysis of present use patterns, analysis of the
6 ability of the spring to support increased public use,
7 discussion of the economic potential of spring use by the
8 public, discussion of actions needed to promote increased
9 public use, discussion of infrastructure requirements,
10 discussion of personnel requirements, discussion of security
11 needs, discussion of limits on spring use to avoid permanent
12 detrimental impacts to the spring, discussion of a strategy
13 for leveraging resources for protecting the spring, and
14 discussion of a long-term management partnership among the
15 state, regional and local governments, and residents within
16 the area.

17 (6) The task force may develop and recommend other
18 appropriate measures necessary to achieve springs protection.

19 (7) In developing its recommendations, the task force
20 shall receive and consider public comment and shall otherwise
21 maximize public participation from all affected parties.

22 (8) Notwithstanding s. 20.03(8), the task force shall
23 expire on July 1, 2010.

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

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27 SENATE SUMMARY

28 Creates the Florida Springs Protection Act. Establishes
29 the Florida Springs Task Force to assess the conditions
30 of first and second magnitude springs in this state.
31 Requires that the task force recommend strategies for
protecting the springs and develop a model springs
protection plan. Requires that the task force take public
comment. Provides for the task force to expire on July 1,
2010.