

By the Committee on Environmental Preservation; and Senators
Argenziano and Crist

592-2297-06

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; creating
5 s. 369.401, F.S.; providing a short title;
6 creating s. 369.403, F.S.; providing
7 legislative intent; creating s. 369.405, F.S.;
8 creating the Florida Springs Commission;
9 providing for membership and the appointment of
10 certain members by the Governor and the
11 Legislature; authorizing reimbursement for per
12 diem and travel expenses; authorizing
13 appointment of technical subcommittees;
14 directing state agencies and requesting local
15 governments to provide assistance to the
16 commission; requiring the Department of
17 Environmental Protection and water management
18 districts to identify and map certain springs;
19 requiring the commission to perform certain
20 assessments; providing requirements for such
21 assessments; requiring the commission to
22 evaluate the assessments and recommend
23 strategies for protecting and ensuring the
24 long-term viability of the state's springs;
25 providing requirements and procedures therefor;
26 requiring a model springs protection plan;
27 providing a dissolution date for the
28 commission; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Part IV of chapter 369, Florida Statutes,
2 consisting of sections 369.401, 369.403, and 369.405, is
3 created to read:

4 PART IV

5 SPRINGS PROTECTION

6 369.401 Short title.--This part may be cited as the
7 "Florida Springs Protection Act."

8 369.403 Legislative findings and intent.--

9 (1) The Legislature finds that Florida springs,
10 whether in urban or rural settings, public parks, or private
11 lands, are threatened by actual and potential flow reductions
12 and declining water quality. As a result of climate patterns
13 and population changes over the past 30 years, many of
14 Florida's springs exhibit signs of distress, including
15 increased nutrient loads and lower discharges. The groundwater
16 that feeds springs is recharged by seepage from the surface,
17 from surface runoff, and through direct conduits such as
18 sinkholes.

19 (2) The Legislature further finds that springs and
20 groundwater damaged by overuse can be restored through good
21 stewardship, including effective planning strategies and best
22 management practices to preserve and protect the springs. Land
23 use planning decisions can protect and improve spring water
24 quality and quantity, as well as upland resources. Managing
25 land use types and allowable densities and intensities of
26 development, followed by specific site planning to further
27 minimize impacts, are important goals.

28 (3) The Legislature further finds that development in
29 Florida will add to the pressure already affecting the surface
30 water and groundwater resources within each area that
31 contributes to spring flow.

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

5 (5) The Legislature further finds that cooperative
6 coordinated efforts, such as the Suwannee River Partnership
7 and the Wekiva River Basin Coordinating Committee, implemented
8 by state and regional agencies, local governments, and
9 affected interests, can best develop the mechanisms to protect
10 Florida's springs. It is therefore the intent of the
11 Legislature to create the Florida Springs Commission for the
12 purpose of identifying protection, restoration, and
13 preservation strategies for Florida springs.

14 369.405 Florida Springs Commission.--

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

17 1. The Commissioner of Agriculture, the Secretary of
18 Community Affairs, the Secretary of Environmental Protection,
19 the Secretary of Transportation, and the Secretary of Health,
20 the executive director of the Fish and Wildlife Conservation
21 Commission, a representative from a water management district
22 governing board, a representative from a regional planning
23 council, a representative from the Florida Chamber of
24 Commerce, a representative from the Florida Association of
25 Community Developers, a representative from the American Water
26 Works Association, and a representative from the Florida Home
27 Builders Association.

28 2. Three members appointed by the Governor consisting
29 of:

30 a. A member of an environmental organization.

31 b. A property owner interested in springs protection.

- 1 c. A member from the business community.
- 2 3. Three members appointed by the President of the
3 Senate consisting of:
- 4 a. A member of the Senate.
- 5 b. A locally elected county or municipal official.
- 6 c. A member of a conservation organization.
- 7 4. Three members appointed by the Speaker of the House
8 of Representatives consisting of:
- 9 a. A member of the House of Representatives.
- 10 b. A locally elected county or municipal official.
- 11 c. A member of the agricultural community.
- 12 (b) The Secretary of Environmental Protection shall
13 serve as chair of the commission.
- 14 (c) Members of the commission shall serve without
15 compensation, but shall be reimbursed for per diem and travel
16 expenses in accordance with s. 112.061.
- 17 (d) The state and regional governmental commission
18 members may designate a senior staff person, who shall have
19 full voting authority to represent the entity.
- 20 (e) The commission may appoint technical subcommittees
21 to assist in the completion of the work of the commission, and
22 such technical subcommittees may include qualified persons not
23 on the commission.
- 24 (f) All state agencies are directed, and all other
25 agencies and local governments are requested, to render
26 assistance to and cooperate with the commission.
- 27 (2)(a) The commission shall perform an assessment of
28 the existing conditions of all first and second magnitude
29 springs. The assessment for each spring shall include, at a
30 minimum, the following information:
- 31 1. Current land owner.

- 1 2. Latitude and longitude.
- 2 3. Water quality, water quantity, and water use.
- 3 4. Wetlands.
- 4 5. Geology and soils.
- 5 6. Vegetation.
- 6 7. Floodplain area.
- 7 8. Infrastructure.
- 8 9. Fish and wildlife resources.
- 9 10. Cultural and archaeological resources.
- 10 11. Public access and use.
- 11 12. Land use.
- 12 13. Hazardous materials.
- 13 14. Public health and safety.
- 14 15. Aesthetics and scenic resources.
- 15 16. Socioeconomics.
- 16 (b) To assist the commission, the Department of
17 Environmental Protection shall work with the water management
18 districts to identify and map all first and second magnitude
19 springs within each district. The department and districts
20 shall cooperatively perform an assessment and create a uniform
21 geographic information system standard for collecting and
22 reporting springs data.
- 23 (3) It is recognized that many springs protection
24 policies and programs have been developed or implemented
25 through ongoing efforts. An evaluation of these policies and
26 programs can serve as a baseline and will greatly assist the
27 commission in the development of its recommended strategies.
- 28 (4) The commission shall evaluate the assessments and
29 recommend strategies for protecting and ensuring the long-term
30 viability of the state's springs. In conducting this
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1 evaluation and developing its recommended strategies, the
2 commission shall consider:
3 (a) The protection of property rights.
4 (b) The effectiveness and application of current land
5 use strategies.
6 (c) The development and application of innovative land
7 use planning strategies.
8 (d) The effectiveness and sufficiency of existing
9 regulations.
10 (e) The use of regional partnerships, best management
11 practices, and other incentive-based nonregulatory programs.
12 (f) Relevant studies, springs protection initiatives,
13 and other information currently available for springs
14 protection, including those conducted or provided by:
15 1. The Suwannee River Partnership.
16 2. The Wekiva Basin Area Task Force.
17 3. The Wekiva River Basin Coordinating Committee.
18 4. The Florida Springs Initiative in the Department of
19 Environmental Protection.
20 5. The Florida Springs Task Force.
21 (g) The use of basin management action plans developed
22 by the Department of Environmental Protection pursuant to the
23 implementation of the total maximum daily load program under
24 s. 403.067.
25 (5) The commission shall develop an overall model
26 springs protection plan that applies its recommended
27 strategies developed pursuant to subsection (4). The model
28 plan shall contain components that can be used by state
29 agencies, local governments, and individuals for more detailed
30 individual springs protection plans. Each individual plan
31 shall provide a 5-year strategy for the use and management of

1 the springs based on information from the assessment conducted
2 by the commission under subsection (2). The model plan shall
3 include, at a minimum, the following components:

4 (a) An analysis of environmental conditions.

5 (b) An analysis of present use patterns.

6 (c) An analysis of the ability of the spring to
7 support increased public use.

8 (d) A discussion of the economic potential of spring
9 use by the public.

10 (e) A discussion of actions needed to promote
11 increased public use.

12 (f) A discussion of infrastructure requirements.

13 (g) A discussion of personnel requirements.

14 (h) A discussion of security needs.

15 (i) A discussion of limits on spring use to avoid
16 permanent detrimental impacts to the spring.

17 (j) A discussion of strategies to leverage resources
18 for springs protection.

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

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

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

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

28 Section 2. This act shall take effect July 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2538

The committee substitute provides for the creation of the Florida Springs Commission and adds representatives from the Florida Chamber of Commerce, the Florida Association of Community Developers, the American Water Works Association and the Florida Home Builders Association as commission members. Requirements providing for joint appointments by the Governor and the Legislature are revised to provide that the Governor shall appoint three members, the President of the Senate shall appoint three members, and the Speaker of the House of Representative shall appoint three members. Of the legislative appointees, one must be a member of the Senate and one must be a member of the House of Representatives. The committee substitute clarifies the responsibilities of the commission when conducting assessments of the existing conditions at all first and second magnitude springs.