

1 A bill to be entitled

2 An act relating to the Florida Springs Protection Act;  
3 creating pt. IV of ch. 369, F.S., relating to springs  
4 protection; providing a popular name; providing  
5 legislative intent; providing definitions; requiring the  
6 Department of Environmental Protection and water  
7 management districts to delineate springsheds and primary  
8 protection zones for first and second magnitude springs;  
9 providing requirements and procedures with respect  
10 thereto; providing rulemaking authority; requiring the  
11 department to establish criteria for impairment of springs  
12 and implement total maximum daily loads for such springs;  
13 providing requirements and procedures with respect  
14 thereto; requiring local governments with jurisdiction  
15 over certain springs to review and amend comprehensive  
16 plans; prohibiting certain activities within primary  
17 protection zones; requiring a special use permit for  
18 limited activities within primary protection zones;  
19 providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Part IV of chapter 369, Florida Statutes,  
24 consisting of sections 369.401, 369.403, 369.405, 369.407,  
25 369.409, 369.411, 369.413, and 369.415, is created to read:

26 PART IV

27 SPRINGS PROTECTION

HB 693

2006

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.

HB 693

2006

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.

HB 693

2006

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.

HB 693

2006

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.--

HB 693

2006

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.

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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, 2006.