

CHAMBER ACTION

1 The Environmental Regulation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Florida Springs Protection Act;
7 creating pt. IV of ch. 369, F.S.; relating to springs
8 protection; creating s. 369.401, F.S.; providing a short
9 title; creating s. 369.403, F.S.; providing legislative
10 intent; creating s. 369.405, F.S.; creating the Florida
11 Springs Commission; providing for membership and the
12 appointment of certain members by the Governor and the
13 Legislature; authorizing reimbursement for per diem and
14 travel expenses; authorizing appointment of technical
15 subcommittees; directing state agencies and requesting
16 local governments to provide assistance to the commission;
17 requiring the Department of Environmental Protection and
18 water management districts to identify and assess certain
19 springs; providing requirements for such assessments;
20 requiring the commission to perform certain assessments
21 and recommend strategies for protecting and ensuring the
22 long-term viability of the state's springs; providing
23 requirements and procedures therefor; requiring a model

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24 | springs protection plan; providing a dissolution date for
25 | the commission; providing an effective date.

26 |

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

28 |

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

32 |

PART IV

33 |

SPRINGS PROTECTION

34 | 369.401 Short title.--This part may be cited as the
35 | "Florida Springs Protection Act."

36 | 369.403 Legislative findings and intent.--

37 | (1) The Legislature finds that in general Florida springs,
38 | whether found in urban or rural settings, public parks, or private
39 | lands, are threatened by actual and potential flow reductions and
40 | declining water quality. As a result of climate patterns and
41 | population changes over the past 30 years, many of Florida's
42 | springs have begun to exhibit signs of distress, including
43 | increasing nutrient loading and lowered discharge. The groundwater
44 | that feeds springs is recharged by seepage from the surface and
45 | surface runoff and through direct conduits such as sinkholes.

46 | (2) The Legislature further finds that springs and
47 | groundwater once damaged by overuse can be restored through good
48 | stewardship, including effective planning strategies and best
49 | management practices to preserve and protect the springs. Land use
50 | planning decisions can protect and improve spring water quality
51 | and quantity, as well as upland resources. Managing land use types

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52 and their allowable densities and intensities of development,
53 followed by specific site planning to further minimize impacts,
54 rank as an important goal.

55 (3) The Legislature further finds that development in
56 Florida will add to the pressure already affecting the surface and
57 ground water resources within each area that contributes to spring
58 flow.

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

63 (5) The Legislature further finds that cooperative
64 coordinated efforts, such as the Suwannee River Partnership and
65 the Wekiva River Basin Coordinating Committee, implemented by
66 state and regional agencies, local governments, and affected
67 interests can best develop the mechanisms to protect Florida's
68 springs. It is therefore the intent of the Legislature to create
69 the Florida Springs Commission for the purpose of identifying
70 protection, restoration, and preservation strategies for Florida
71 springs.

72 369.405 Florida Springs Commission.--

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

75 1. The Commissioner of Agriculture, the secretaries of the
76 Department of Community Affairs, the Department of Environmental
77 Protection, the Department of Transportation, and the Department
78 of Health, the executive director of the Fish and Wildlife
79 Conservation Commission, a representative from a water management

80 district governing board, a representative from a regional
 81 planning council, a representative from the Florida Chamber of
 82 Commerce, a representative from the Florida Association of
 83 Community Developers, a representative from the American Water
 84 Works Association, and a representative from the Florida Home
 85 Builders Association.

86 2. Three members appointed by the Governor consisting of:

87 a. A member of an environmental organization.

88 b. A property owner interested in springs protection.

89 c. A member from the business community.

90 3. Three members appointed by the President of the Senate
 91 consisting of:

92 a. A member of the Senate.

93 b. A locally elected county or municipal official.

94 c. A member of a conservation organization.

95 4. Three members appointed by the Speaker of the House of
 96 Representatives consisting of:

97 a. A member of the House of Representatives.

98 b. A locally elected county or municipal officer.

99 c. A member of the agricultural community.

100 (b) The secretary of the Department of Environmental
 101 Protection shall serve as chair of the commission.

102 (c) Members of the commission shall serve without
 103 compensation, but shall be reimbursed for per diem and travel
 104 expenses in accordance with s. 112.061.

105 (d) The state and regional governmental commission members
 106 may designate to represent their entity a senior staff person, who
 107 shall have full voting authority.

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108 (e) The commission may appoint technical subcommittees as
109 needed to assist in the completion of the work of the commission,
110 and such technical subcommittees may include qualified persons not
111 on the commission.

112 (f) All state agencies are directed, and all other
113 agencies and local governments are requested, to render
114 assistance to and cooperate with the commission.

115 (2) The commission shall perform an assessment of the
116 existing conditions of all first and second magnitude springs.
117 To assist the commission, the Department of Environmental
118 Protection shall work with the water management districts to
119 identify and map all first and second magnitude springs within
120 each district. The department and districts shall cooperatively
121 perform an assessment and create a uniform geographic
122 information system standard for collecting and reporting springs
123 data. The assessment for each spring shall include, at a
124 minimum, the following information:

125 (a) Current land owner.

126 (b) Latitude and longitude.

127 (c) Water quality, water quantity, and water use.

128 (d) Wetlands.

129 (e) Geology and soils.

130 (f) Vegetation.

131 (g) Floodplain area.

132 (h) Infrastructure.

133 (i) Fish and wildlife.

134 (j) Cultural resources and archaeology.

135 (k) Public access and use.

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- 136 (l) Land use.
- 137 (m) Hazardous materials.
- 138 (n) Public health and safety.
- 139 (o) Aesthetics and scenic resources.
- 140 (p) Socioeconomics.
- 141 (3) The commission shall evaluate and recommend strategies
- 142 for protecting and ensuring the long-term viability of the
- 143 state's springs. In conducting this evaluation and developing
- 144 its recommendations, the commission shall consider:
- 145 (a) The protection of property rights.
- 146 (b) The effectiveness and application of current land use
- 147 strategies.
- 148 (c) The development and application of innovative land use
- 149 planning strategies.
- 150 (d) The effectiveness and sufficiency of existing
- 151 regulations.
- 152 (e) The use of regional partnerships, best management
- 153 practices, and other incentive-based nonregulatory programs.
- 154 (4) It is recognized that many springs protection policies
- 155 and programs have been developed or implemented through ongoing
- 156 efforts and that an evaluation of these policies and programs can
- 157 serve as a baseline and will greatly assist the commission in the
- 158 development of its recommendations. Therefore, in conducting its
- 159 evaluation and developing recommendations, the commission shall
- 160 consider relevant studies, springs protection initiatives, and
- 161 other information currently available for springs protection,
- 162 including:
- 163 (a) The Suwannee River Partnership.

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- 164 (b) The Wekiva Basin Area Task Force.
- 165 (c) The Wekiva River Basin Coordinating Committee.
- 166 (d) The Florida Springs Initiative in the Department of
167 Environmental Protection.
- 168 (e) The Florida Springs Task Force.
- 169 (f) The use of basin management action plans developed by
170 the Department of Environmental Protection pursuant to the
171 implementation of the total maximum daily load program.
- 172 (5) The commission shall develop an overall model springs
173 protection plan which applies its recommended strategies developed
174 pursuant to subsections (3) and (4). The model plan shall contain
175 components that can be used by state agencies, local governments,
176 and citizens for more detailed individual springs protection
177 plans. Each plan shall provide a 5-year strategy for the use and
178 management of the springs based on information from the
179 assessment. The model plan shall include, at a minimum, the
180 following components:
- 181 (a) Analysis of environmental conditions.
- 182 (b) Analysis of present use patterns.
- 183 (c) Analysis of ability of the spring to support increased
184 public use.
- 185 (d) Discussion of the economic potential of spring use by
186 the public.
- 187 (e) Discussion of actions needed to promote increased public
188 use.
- 189 (f) Discussion of infrastructure requirements.
- 190 (g) Discussion of personnel requirements.
- 191 (h) Discussion of security needs.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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192 (i) Discussion of limits on spring use to avoid permanent
193 detrimental impacts to the spring.

194 (j) Discussion of strategy for leveraging resources for
195 springs protection.

196 (k) Discussion of a long-term management partnership among
197 the state, regional, and local governments and citizens within the
198 area.

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

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

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

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