

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Environmental Preservation and Conservation Committee

BILL: CS/SB 1486

INTRODUCER: Committee on Environmental Preservation and Conservation and Senator Oelrich

SUBJECT: Florida Springs Protection Act

DATE: March 30, 2007 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------|
| 1. | Bascom | Kiger | EP | Fav/CS |
| 2. | | | CA | |
| 3. | | | GG | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

The committee substitute creates the Florida Springs Protection Act. The Act directs the Department of Environmental Protection (DEP), in coordination with the Department of Agriculture and Consumer Services (DACCS) and the water management districts (WMD), to create a priority list and schedule for delineation of the springsheds of Florida's 33 first magnitude springs as well as areas of high vulnerability contributing most directly to groundwater quality and quantity within the springshed. The priority list and schedule for delineation shall include the consideration of:

- Work already completed.
- The degree of threat to the spring.
- Projected development patterns.
- Availability of funding to complete the work.

The DEP, along with DACCS and the WMDs, shall develop criteria for the delineation of high vulnerability zones.

By January 30, 2008, the DEP shall submit a report to the Governor, the President of the Senate and the Speaker of the House of Representatives on the status of the springshed delineation.

The committee substitute creates sections 369.401, 369.402, 369.403, and 369.407, Part IV, Florida Statutes.

II. Present Situation:

Florida's Springs and the Florida Springs Initiative¹

Florida has more than 700 recognized springs - 33 first magnitude springs with a flow of more than 100 cubic feet per second discharging about 64.6 million gallons of water per day; 191 second magnitude springs with an average flow of 10 to 100 cubic feet per second discharging 6.46 to 64.4 million gallons of water per day; 151 third magnitude springs with a flow of 1 to 10 cubic feet per second discharging 600,000 to 6.46 million gallons of water per day. Spring water discharges, primarily from the Floridan Aquifer, are used to determine ground water quality as well as the degree of human impact on the watershed. Rainfall, surface conditions, soil type, mineralogy, the composition of the aquifer system, the porous nature of the system, and flow and length of time in the aquifer all contribute to ground water chemistry. The multi-agency Florida Springs Task Force was created in 1999 to recommend strategies for protecting and restoring Florida's springs. The task force met monthly from September 1999 to September 2000, and produced a report entitled "*Florida's Springs, Strategies for Protection and Restoration*" which was the basis of the Florida Springs Initiative. The report contained management strategies such as coordinated land use planning and ordinances that protect spring recharge basins, funding and implementing best management practices, and the acquisition of spring recharge basins to protect springs from land use practices that reduce water quality and quantity; regulation strategies to protect spring flow, and funding strategies such as a 25-cent increase in automobile tags for deposit into a new trust fund to be entitled the Springs Protection and Restoration Trust Fund.

Beginning in 2001, the Legislature has provided \$2.5 million each year in funding to support projects for springs restoration, research and protection.

Wekiva River Basin Coordinating Committee

The Wekiva River Basin Coordinating Committee was created by Executive Order No. 03-113, issued by Governor Bush on July 1, 2003. As part of its mission, the Committee was required to delineate a portion of the land area contributing to the surface and ground water of the Wekiva River System which would be known as the Wekiva Study Area. The Committee was to be a forum to identify enhanced land use planning strategies and development standards consistent with protected property rights, which would improve and assure protection of surface and ground water resources, including recharge potential, within the Study Area.

The Committee's final report was released in March 2004, and as part of its recommendations, concluded that:

- The St. Johns River Water Management District should revise its consumptive use permitting thresholds in the Study Area to address proposed water withdrawals above 50,000 gallons per day; create a general permit and include a transition period for existing users not previously subject to the permitting process;
- DACS should study and undertake rulemaking for new or revised BMPs to improve and protect water bodies; and

¹ See Bulletin No. 66, *Springs of Florida*, Florida Geological Survey, <http://www.dep.state.fl.us/geology/geologictopics/springs/bulletin66.htm>

- DEP should study and undertake rulemaking to address water quality and wastewater treatment standards to achieve nitrogen reduction using best available technologies to protect water quality within the Study Area.

III. Effect of Proposed Changes:

Section 1. Creates Part IV in chapter 369, F.S., consisting of ss. 369.401, 369.402, 369.403, and 369.407, F.S.

Section 369.401, F.S., provides that Part IV may be cited as the “Florida Springs Protection Act.”

Section 369.402, F.S., establishes legislative intent and findings:

- The springs in Florida are a precious and fragile natural resource and must be protected.
- Springs provide recreational and tourism opportunities and are a great financial benefit to local economies.
- Springs provide critical habitat for endangered or threatened species of plants and animals and serve as indicators of the quality and quantity of groundwater resources.
- Springs are only as healthy as the water resources of its springshed and may be directly influenced by activities and land uses within the springshed.
- Springsheds and high vulnerability zones must be adequately defined to protect springs and such delineations are critical for local governments during the development of comprehensive plans.

Section 369.403, F.S., defines the following terms that are used within this section:

- High Vulnerability Zone – means the geographic area within a springshed delineated by the DEP and the appropriate WMD which contributes most directly to the water quantity and quality of the spring.
- Spring – means a point where groundwater is discharged onto the earth’s surface, including under any surface water of the state, excluding seeps.
- Springshed – means those areas within the groundwater and surface water basins which contribute to the discharge of a spring.

Section 369.407, F.S., specifies the process for the DEP, DACS and the WMDs to create a priority list and schedule for delineation of Florida’s 33 first magnitude springs. The process should consider:

- Work already completed.
- The degree of threat to the spring.
- Projected development patterns.
- Existing and reasonably expected funding and resources available to complete the work.

A report shall be submitted by the DEP no later than January 30, 2008 to the Governor, the President of the Senate and the Speaker of the House of Representatives and shall include:

- The status of delineation of the springsheds and areas of high vulnerability within each springshed for all 33 first magnitude springs.
- The priority list and schedule for delineation.
- The criteria developed for the delineation of high vulnerability zones.
- Identification of any additional funding needed to complete the work.

Section 2. Provides that the act shall take effect July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DEP, DACS and the WMDs are required to develop a priority list and schedule for the delineation of 33 first magnitude springs and provide a report to the Legislature. The DEP indicates the work can be completed with current budget and staffing.

VI. Technical Deficiencies:

The committee substitute requires a priority list and schedule for delineation of 33 first magnitude springs yet no definition or reference of a “first magnitude” spring is provided.

Spring magnitude is a category based on the volume of flow from a spring per unit time. A first magnitude spring discharges a volume greater than or equal to 100 cubic feet per second (CFS) or 64.6 million gallons per day (MGD)². DEP has classified 33 of Florida's more than 700 springs as "first magnitude" in its publication *First Magnitude Springs of Florida*³.

VII. Related Issues:

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

² *Florida Spring Classification System and Spring Glossary*, Florida Geological Survey Special Publication No. 52, 2003, Copeland et al, <http://www.dep.state.fl.us/geology/geologictopics/springs.htm>

³ *First Magnitude Springs of Florida*, Florida Geological Survey Open File Report No. 85, 2002, Scott et al, <http://www.dep.state.fl.us/geology/geologictopics/springs.htm>

VIII. Summary of Amendments:

None.

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