

By Senator Oelrich

14-1401-07

See HB 299

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 assess certain

19 springs; providing requirements for such

20 assessments; requiring the commission to

21 perform certain assessments and recommend

22 strategies for protecting and ensuring the

23 long-term viability of the state's springs;

24 providing requirements and procedures therefor;

25 requiring a model springs-protection plan;

26 providing a dissolution date for the

27 commission; providing an effective date.

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

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

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, in general, Florida
10 springs, whether found in urban or rural settings, public
11 parks, or private lands, are threatened by actual and
12 potential flow reductions and declining water quality. As a
13 result of climate patterns and population changes over the
14 past 30 years, many of Florida's springs have begun to exhibit
15 signs of distress, including increasing nutrient loading and
16 lowered discharge. The groundwater that feeds springs is
17 recharged by seepage from the surface and surface runoff and
18 through direct conduits such as sinkholes.

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

1 (4) The Legislature further finds a need to provide
2 for land use decisions that recognize protected property
3 rights and ensure the long-term viability of Florida's
4 springs.

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 created and
16 shall include:

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

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

31 a. A member of an environmental organization.

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

1 identify and map all first and second magnitude springs within
2 each district. The department and districts shall
3 cooperatively perform an assessment and create a uniform
4 geographic information system standard for collecting and
5 reporting springs data. The assessment for each spring shall
6 include, at a minimum, the following information:
7 (a) Current land owner.
8 (b) Latitude and longitude.
9 (c) Water quality, water quantity, and water use.
10 (d) Wetlands.
11 (e) Geology and soils.
12 (f) Vegetation.
13 (g) Floodplain area.
14 (h) Infrastructure.
15 (i) Fish and wildlife.
16 (j) Cultural resources and archaeology.
17 (k) Public access and use.
18 (l) Land use.
19 (m) Hazardous materials.
20 (n) Public health and safety.
21 (o) Aesthetics and scenic resources.
22 (p) Socioeconomics.
23 (3) The commission shall evaluate and recommend
24 strategies for protecting and ensuring the long-term viability
25 of the state's springs. In conducting this evaluation and
26 developing its recommendations, the commission shall consider:
27 (a) The protection of property rights.
28 (b) The effectiveness and application of current land
29 use strategies.
30 (c) The development and application of innovative
31 land-use-planning strategies.

1 (d) The effectiveness and sufficiency of existing
2 regulations.

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

5 (4) It is recognized that many springs-protection
6 policies and programs have been developed or implemented
7 through ongoing efforts and that an evaluation of these
8 policies and programs can serve as a baseline and will greatly
9 assist the commission in the development of its
10 recommendations. Therefore, in conducting its evaluation and
11 developing recommendations, the commission shall consider
12 relevant studies, springs-protection initiatives, and other
13 information currently available for springs protection,
14 including:

15 (a) The Suwannee River Partnership.

16 (b) The Wekiva Basin Area Task Force.

17 (c) The Wekiva River Basin Coordinating Committee.

18 (d) The Florida Springs Initiative in the Department
19 of Environmental Protection.

20 (e) The Florida Springs Task Force.

21 (f) 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.

24 (5) The commission shall develop an overall model
25 springs-protection plan that applies its recommended
26 strategies developed pursuant to subsections (3) and (4). The
27 model plan shall contain components that can be used by state
28 agencies, local governments, and citizens for more detailed
29 individual springs-protection plans. Each plan shall provide a
30 5-year strategy for the use and management of the springs
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1 based on information from the assessment. The model plan shall
2 include, at a minimum, the following components:
3 (a) Analysis of environmental conditions.
4 (b) Analysis of present use patterns.
5 (c) Analysis of ability of the spring to support
6 increased public use.
7 (d) Discussion of the economic potential of spring use
8 by the public.
9 (e) Discussion of actions needed to promote increased
10 public use.
11 (f) Discussion of infrastructure requirements.
12 (g) Discussion of personnel requirements.
13 (h) Discussion of security needs.
14 (i) Discussion of limits on spring use to avoid
15 permanent detrimental impacts to the spring.
16 (j) Discussion of strategy for leveraging resources
17 for springs protection.
18 (k) Discussion of a long-term management partnership
19 among the state, regional, and local governments and citizens
20 within the area.
21 (6) The commission may develop and recommend other
22 appropriate measures necessary to achieve springs protection.
23 (7) In developing its recommendations, the commission
24 shall receive and consider public comment and shall otherwise
25 maximize public participation from all affected parties.
26 (8) The commission shall expire July 1, 2011.
27 Section 2. This act shall take effect July 1, 2007.
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