



SPRINGS PROTECTION

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

369.403 Legislative findings and intent.--

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

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

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

(4) The Legislature further finds a need to provide for land use decisions that recognize protected property rights and ensure

57 the long-term viability of Florida's springs.

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

67 369.405 Florida Springs Commission.--

68 (1) (a) The Florida Springs Commission is hereby created and  
 69 shall include:

70 1. The Commissioner of Agriculture, the secretaries of the  
 71 Department of Community Affairs, the Department of Environmental  
 72 Protection, the Department of Transportation, and the Department  
 73 of Health, the executive director of the Fish and Wildlife  
 74 Conservation Commission, a representative from a water management  
 75 district governing board, a representative from a regional  
 76 planning council, a representative from the Florida Chamber of  
 77 Commerce, a representative from the Florida Association of  
 78 Community Developers, a representative from the American Water  
 79 Works Association, and a representative from the Florida Home  
 80 Builders Association.

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

82 a. A member of an environmental organization.

83 b. A property owner interested in springs protection.

84 c. A member from the business community.

85 3. Three members appointed by the President of the Senate,  
 86 consisting of:

- 87 a. A member of the Senate.
- 88 b. A locally elected county or municipal official.
- 89 c. A member of a conservation organization.

90 4. Three members appointed by the Speaker of the House of  
 91 Representatives, consisting of:

- 92 a. A member of the House of Representatives.
- 93 b. A locally elected county or municipal official.
- 94 c. A member of the agricultural community.

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

97 (c) Members of the commission shall serve without  
 98 compensation but shall be reimbursed for per diem and travel  
 99 expenses in accordance with s. 112.061.

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

103 (e) The commission may appoint technical subcommittees as  
 104 needed to assist in the completion of the work of the commission,  
 105 and such technical subcommittees may include qualified persons not  
 106 on the commission.

107 (f) All state agencies are directed, and all other  
 108 agencies and local governments are requested, to render  
 109 assistance to and cooperate with the commission.

110 (2) The commission shall perform an assessment of the  
 111 existing conditions of all first and second magnitude springs.

112 To assist the commission, the Department of Environmental

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113 Protection shall work with the water management districts to  
114 identify and map all first and second magnitude springs within  
115 each district. The department and districts shall cooperatively  
116 perform an assessment and create a uniform geographic  
117 information system standard for collecting and reporting springs  
118 data. The assessment for each spring shall include, at a  
119 minimum, the following information:

- 120 (a) Current land owner.  
121 (b) Latitude and longitude.  
122 (c) Water quality, water quantity, and water use.  
123 (d) Wetlands.  
124 (e) Geology and soils.  
125 (f) Vegetation.  
126 (g) Floodplain area.  
127 (h) Infrastructure.  
128 (i) Fish and wildlife.  
129 (j) Cultural resources and archaeology.  
130 (k) Public access and use.  
131 (l) Land use.  
132 (m) Hazardous materials.  
133 (n) Public health and safety.  
134 (o) Aesthetics and scenic resources.  
135 (p) Socioeconomics.  
136 (3) The commission shall evaluate and recommend strategies  
137 for protecting and ensuring the long-term viability of the  
138 state's springs. In conducting this evaluation and developing  
139 its recommendations, the commission shall consider:  
140 (a) The protection of property rights.

141       (b) The effectiveness and application of current land use  
142 strategies.

143       (c) The development and application of innovative land use  
144 planning strategies.

145       (d) The effectiveness and sufficiency of existing  
146 regulations.

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

149       (4) It is recognized that many springs protection policies  
150 and programs have been developed or implemented through ongoing  
151 efforts and that an evaluation of these policies and programs can  
152 serve as a baseline and will greatly assist the commission in the  
153 development of its recommendations. Therefore, in conducting its  
154 evaluation and developing recommendations, the commission shall  
155 consider relevant studies, springs protection initiatives, and  
156 other information currently available for springs protection,  
157 including:

158           (a) The Suwannee River Partnership.

159           (b) The Wekiva Basin Area Task Force.

160           (c) The Wekiva River Basin Coordinating Committee.

161           (d) The Florida Springs Initiative in the Department of  
162 Environmental Protection.

163           (e) The Florida Springs Task Force.

164           (f) The use of basin management action plans developed by  
165 the Department of Environmental Protection pursuant to the  
166 implementation of the total maximum daily load program.

167       (5) The commission shall develop an overall model springs  
168 protection plan which applies its recommended strategies developed

169 pursuant to subsections (3) and (4). The model plan shall contain  
170 components that can be used by state agencies, local governments,  
171 and citizens for more detailed individual springs protection  
172 plans. Each plan shall provide a 5-year strategy for the use and  
173 management of the springs based on information from the  
174 assessment. The model plan shall include, at a minimum, the  
175 following components:

- 176 (a) Analysis of environmental conditions.
- 177 (b) Analysis of present use patterns.
- 178 (c) Analysis of ability of the spring to support increased  
179 public use.
- 180 (d) Discussion of the economic potential of spring use by  
181 the public.
- 182 (e) Discussion of actions needed to promote increased public  
183 use.
- 184 (f) Discussion of infrastructure requirements.
- 185 (g) Discussion of personnel requirements.
- 186 (h) Discussion of security needs.
- 187 (i) Discussion of limits on spring use to avoid permanent  
188 detrimental impacts to the spring.
- 189 (j) Discussion of strategy for leveraging resources for  
190 springs protection.
- 191 (k) Discussion of a long-term management partnership among  
192 the state, regional, and local governments and citizens within the  
193 area.
- 194 (6) The commission may develop and recommend other  
195 appropriate measures necessary to achieve springs protection.

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

199        (8) The commission shall expire July 1, 2011.

200        Section 2. This act shall take effect July 1, 2007.