

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: SB 2078

INTRODUCER: Senator Oelrich

SUBJECT: Florida Springs Stewardship Act

DATE: April 18, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bascom	Kiger	EP	Favorable
2.	Molloy	Yeatman	CA	Favorable
3.			GA	
4.				
5.				
6.				

I. Summary:

The bill creates the Florida Springs Stewardship Act, provides legislative intent recognizing the importance of springs in the state, establishes definitions, and provides for the creation and expiration of the Florida Springs Stewardship Task Force (task force). The bill provides for the appointments of members to the task force, and duties and responsibilities of the task force, including reporting requirements.

This bill creates sections 369.401, 369.402, 369.403, and 369.404, Florida Statutes.

II. Present Situation:

Florida has more than 700 recognized springs; 33 first magnitude springs with a flow of more than 100 cubic feet per second that discharge more than 64 million gallons of water per day; 191 second magnitude springs with an average flow of 10 to 100 cubic feet per second that discharge from 6.46 to more than 64 million gallons of water per day; 151 third magnitude springs with a flow of 1 to 10 cubic feet per second that discharge 600,000 to 6.46 million gallons of water per day.¹ Spring discharges, primarily from the Floridan Aquifer, are used to determine ground water quality and the degree of human impact on the spring's watershed. Rainfall, surface conditions, soil type, mineralogy, the composition and porous nature of the aquifer system, flow, and length of time in the aquifer all contribute to ground water chemistry.

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

The Florida Springs Task Force was created in 1999 to recommend strategies for protecting and restoring Florida's springs. The multi-agency task force produced a report in November of 2000 entitled "*Florida's Springs, Strategies for Protection and Restoration*" which was the basis of the Florida Springs Initiative within the Department of Environmental Protection. The report identified 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. The report also identified regulation strategies to protect spring flow, and a funding mechanism for implementing the strategies contained in the report. The report suggested the creation of a Springs Protection and Restoration Trust Fund funded by a 25-cent increase in automobile tags.

Under the Florida Springs Initiative, the Legislature has provided at least \$2.5 million each year since 2001 to support projects for springs restoration, research and protection.

III. Effect of Proposed Changes:

Section 1: Creates Part IV of Chapter 369, F.S., as follows:

- Section 369.401, F.S., provides that part IV of chapter 369, may be cited as the "Florida Springs Protection Act."
- Section 369.402, F.S., establishes the following legislative findings:
 - Florida's springs are valuable resources that provide recreational and tourism opportunities, and provide great financial benefit to local economies.
 - Florida's springs provide critical habitat for endangered or threatened species of plants and animals.
 - The flow and water quality of Florida's springs are direct reflections of the state's aquifer system.
 - Cooperative efforts can best develop the mechanisms to identify best management practices to protect, restore, and preserve Florida's water resources, including springs.
 - Florida's citizens want to be good stewards of the state's resources and, if made aware through educational programs, will voluntarily implement best management practices into their daily activities.
- Section 369.403, F.S., defines the following terms:
 - "Seep" means a place where the water table aquifer intersects the land surface and flows onto the land.
 - "Spring" means a point where groundwater is discharged onto the earth's surface, including under any surface water of the state, excluding seeps.
 - "Zone of influence" means the geographic area that contributes most directly to the water quantity and quality of a spring.
- Section 369.404, F.S., creates the Florida Springs Stewardship Task Force, consisting of nine members to be appointed by August 1, 2008, as follows:
 - One representative from the Department of Environmental Protection to be appointed by the Secretary of Environmental Protection.

- One representative from the Department of Agriculture and Consumer Services to be appointed by the Commissioner of Agriculture.
- One representative from the Department of Community Affairs to be appointed by the Secretary of Community Affairs.
- One representative from the Suwannee River Water Management District, the greatest number of first magnitude springs within its jurisdiction, to be appointed by the executive director of the district.
- Two members appointed by the President of the Senate, one of whom shall be a representative of the development community, and one of whom shall be a representative of a local chamber of commerce.
- Two members appointed by the Speaker of the House of Representatives, one of whom shall be a locally elected county or municipal official, and one of whom shall be a representative of the environmental community.
- One member appointed by the Commissioner of Agriculture who shall be a representative of the agricultural community.

The task force members must select a chair and vice chair from among its membership, and shall:

- Collect and inventory all existing data identifying zones of influence for each of Florida's first magnitude springs and identifying land uses in these areas.
- Identify and compile a list of existing best management practices for identified land uses and other water pollutant controls.
- Identify any and all existing and reasonably expected funding sources available to implement best management practices that protect first magnitude springs.
- Propose a priority list of projects for the funding.
- Take public input and testimony regarding issues related to springs protection, restoration, and preservation.
- Propose a program of increased emphasis on education and outreach that encourages the implementation of best management practices for agricultural and nonagricultural land uses and other water pollutant controls, including specific provisions for cost-share assistance in implementing best management practices as well as recognition of agricultural and nonagricultural landowners who participate in the best management practices program.
- Submit a report summarizing the data collected, public input and testimony, and the findings and proposals of the task force to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2009.

The task force expires January 31, 2009.

Section 2: Provides an effective date of July 1, 2008.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

This bill does not require cities or counties to expend funds or limit their authority to raise revenues or receive state-shared revenues as specified by s. 18, Art. VII, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Environmental Protection reports an indeterminate fiscal impact to the agency from the provisions of the bill, assuming the task force is housed within the department. An inventory of existing information on first-magnitude springs would be time consuming but manageable. The inventory of data identifying "zones of influence" for the springs can't be calculated without knowing what "zones of influence" area. Identifying priority projects for financial assistance without a new program or resources, and without criteria for determining project priority will be problematic.

VI. Technical Deficiencies:

This bill contains several technical deficiencies. The task force created in the bill is not housed with any agency or local government entity for staffing purposes. No one entity is assigned with the responsibility of assisting the task force with collecting and compiling the data for reporting purposes as required under the bill. The task force is required to receive public input and testimony but when, where and how this will be accomplished is not specified. No mechanism is provided for the task force to record public input and testimony for public records purposes. No per diem or travel expenses for task force members are provided.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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