

1 A bill to be entitled
 2 An act relating to the West-Central Florida Water
 3 Restoration Action Plan; creating s. 373.0363, F.S.;
 4 providing definitions; providing legislative findings
 5 and intent; requiring that the Southwest Florida Water
 6 Management District implement the West-Central Florida
 7 Water Restoration Action Plan; providing criteria
 8 governing the implementation of the plan; requiring that
 9 the district coordinate with regional water supply
 10 authorities and governmental partners to maximize
 11 opportunities concerning the efficient expenditure of
 12 public funds; specifying the plan's purpose; specifying
 13 the initiatives that are included in the plan; providing
 14 criteria governing implementation of the Central West
 15 Coast Surface Water Enhancement Initiative, the
 16 Facilitating Agricultural Resource Management Systems
 17 Initiative, the Ridge Lakes Restoration Initiative, the
 18 Upper Peace River Watershed Restoration Initiative, and
 19 the Central Florida Water Resource Development
 20 Initiative and certain components or projects included
 21 in such initiatives; providing for the district to
 22 implement certain initiatives or parts thereof in
 23 cooperation with the Peace River-Manasota Regional Water
 24 Supply Authority, the Department of Agriculture and
 25 Consumer Services, or Polk County; requiring an annual
 26 report that meets specified criteria concerning
 27 implementation of the plan, regional conditions, and the
 28 use of funds; providing an effective date.

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

Section 1. Section 373.0363, Florida Statutes, is created to read:

373.0363 West-Central Florida Water Restoration Action Plan.--

(1) As used in this section, the term:

(a) "District" means the Southwest Florida Water Management District.

(b) "Southern Water Use Caution Area" means an area that the district designated, after extensive collection of data and numerous studies, in order to comprehensively manage water resources in the Southern West-Central Groundwater Basin, which includes all of Desoto, Hardee, Manatee, and Sarasota Counties, and parts of Charlotte, Highlands, Hillsborough, and Polk Counties.

(c) "Southern Water Use Caution Area Recovery Strategy" means the district's regulatory, planning, and financial strategy for ensuring that adequate water supplies are available to meet growing demands while protecting and restoring the water and related natural resources of the area.

(d) "West-Central Florida Water Restoration Action Plan" means the district's regional environmental restoration and water resource sustainability program for the Southern Water Use Caution Area.

(2) The Legislature finds that:

(a) In response to growing demands from public supply,

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57 agriculture, mining, power generation, and recreational users,
58 groundwater withdrawals in the Southern Water Use Caution Area
59 have steadily increased for nearly a century before peaking in
60 the middle of the 1970s. These withdrawals resulted in declines
61 in aquifer levels throughout the groundwater basin, which in
62 some areas exceeded 50 feet.

63 (b) While groundwater withdrawals have since stabilized as
64 a result of the district's management efforts, depressed aquifer
65 levels continue to result in saltwater intrusion, reduced flows
66 in the Upper Peace River, and lowered water levels and water
67 quality impacts for some lakes in the Lake Wales Ridge areas of
68 Polk and Highlands Counties.

69 (c) In response to these resource concerns, and as
70 directed by s. 373.036, the district determined that traditional
71 sources of water in the region are not adequate to supply water
72 for all existing and projected reasonable-beneficial uses and to
73 sustain the water resources and related natural systems.

74 (d) The expeditious implementation of the Southern Water
75 Use Caution Area Recovery Strategy is needed to meet the minimum
76 flow requirement for the Upper Peace River, slow saltwater
77 intrusion, provide for improved lake levels and water quality
78 along the Lake Wales Ridge, and ensure sufficient water supplies
79 for all existing and projected reasonable and beneficial uses.

80 (e) Sufficient research has been conducted and sufficient
81 plans developed to immediately expand and accelerate programs to
82 sustain the water resources and related natural systems in the
83 Southern Water Use Caution Area.

84 (f) Implementation of components of the Southern Water Use

85 Caution Area Recovery Strategy, which are contained in the West-
86 Central Florida Water Restoration Action Plan, is for the
87 benefit of the public health, safety, and welfare and is in the
88 public interest.

89 (g) Implementation of the West-Central Florida Water
90 Restoration Action Plan is necessary to meet the minimum flow
91 requirement for the Upper Peace River, slow saltwater intrusion,
92 provide for improved lake levels and water quality along the
93 Lake Wales Ridge, and ensure sufficient water supplies for all
94 existing and projected reasonable and beneficial uses.

95 (h) A continuing source of funding is needed to
96 effectively implement the West-Central Florida Water Restoration
97 Action Plan.

98 (3) The district shall implement the West-Central Florida
99 Water Restoration Action Plan pursuant to subsection (4). The
100 plan shall be implemented in a manner that furthers progressive
101 strategies for the management of water resources, is watershed-
102 based, provides for consideration of water quality issues, and
103 includes monitoring, the development and implementation of best-
104 management practices, and structural and nonstructural projects,
105 including public works projects. The district shall coordinate
106 its implementation of the plan with regional water supply
107 authorities, public and private partnerships, and local, state,
108 and federal partners in order to maximize opportunities for the
109 most efficient and timely expenditures of public funds.

110 (4) The West-Central Florida Water Restoration Action Plan
111 includes:

112 (a) The Central West Coast Surface Water Enhancement
113 Initiative. The purpose of this initiative is to make available
114 additional surface waters for public supply through restoration
115 of surface waters, natural water flows, and freshwater wetland
116 communities. This initiative is designed to allow ground water
117 withdrawals to be limited in order to slow the rate of saltwater
118 intrusion. The initiative shall be an ongoing program in
119 cooperation with the Peace River-Manasota Regional Water Supply
120 Authority created under s. 373.1962. The initiative shall
121 include the following components if determined feasible:

122 1. The Dona Bay-Cow Pen Slough Component. This component
123 is anticipated to increase the capacity to store excess
124 freshwater flows for the purposes of supplying potable water and
125 restoring wetland ecosystems, including the quality and clarity
126 of water in the system and the subsequent rejuvenation of the
127 system's mollusks, oyster beds, seagrasses, and salinity.

128 2. The Shell Creek Watershed Component. This component is
129 anticipated to increase water storage capacity upstream,
130 redirecting stored water to its natural and historical flow
131 pattern resulting in a benefit to the downstream ecosystem, and
132 capturing high flows for use as public supply during low flow
133 periods.

134 3. The Upper Myakka River-Flatford Swamp Component. This
135 component is anticipated to reduce the amount of water entering
136 the swamp so that normal hydroperiods are restored, to create a
137 historically more natural system and the opportunity to increase
138 the availability of water for public supply.

139 (b) The Facilitating Agricultural Resource Management
140 Systems Initiative. The purpose of this initiative is to
141 expedite the implementation of production-scale, best-management
142 practices in the agricultural sector which benefit water
143 resources by reducing withdrawals from the Floridan aquifer,
144 improving the quality of ground and surface waters, and
145 conserving and restoring water resources and natural systems.

146 (c) The Ridge Lakes Restoration Initiative. The purpose of
147 this initiative is to protect, restore, and enhance natural
148 systems and flood protection by improving and protecting the
149 water quality of approximately 130 lakes located along the Lake
150 Wales Ridge in Polk and Highlands Counties, which quality is
151 threatened by stormwater runoff, wastewater effluent, fertilizer
152 applications, groundwater pollution, degradation of shoreline
153 habitats, and hydrologic alterations. This initiative shall be
154 accomplished through the construction of systems designed to
155 treat the stormwater runoff that threatens the water quality of
156 such lakes. Such systems include swales, retention basins, and
157 long infiltration basins, if feasible.

158 (d) The Upper Peace River Watershed Restoration
159 Initiative. The purpose of this initiative is to improve the
160 quality of waters and ecosystems in the watershed of the Upper
161 Peace River by recharging aquifers, restoring the flow of
162 surface waters, and restoring the capacity of natural systems to
163 store surface waters. The Legislature finds that such
164 improvements are necessary because the quantity and quality of
165 the fresh water that flows to the basin of the Peace River and
166 Charlotte Harbor are adversely affected by the significant

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167 alteration and degradation of the watershed of the Upper Peace
168 River, and because restoration of the watershed of the Upper
169 Peace River is a critical component of Charlotte Harbor National
170 Estuary Program's Comprehensive Conservation and Management
171 Plan, the Southwest Florida Water Management District Surface
172 Water Improvement and Management Plan, and the Southern Water
173 Use Caution Area Recovery Strategy. This initiative shall
174 include an Upper Peace River Component. In addition to the
175 initiative's other purposes, this component will provide a
176 critical link to a major greenway that extends from the lower
177 southwest coast of this state through the watershed of the Peace
178 River and the Green Swamp and further north to the Ocala
179 National Forest. Projects that are included in the Upper Peace
180 River Component include:

181 1. The Lake Hancock Component. The purpose of this
182 component is to help meet the minimum flow requirements in the
183 Upper Peace River and to improve water quality. The component
184 shall include Lake Hancock elevation control structure
185 modifications and lake outfall treatment.

186 2. The Peace Creek Canal Restoration Project. The purpose
187 of this project is to enhance the recharge of aquifers, restore
188 the capacity of natural systems to store storage waters, and
189 provide flood protection. The project shall be implemented by
190 undertaking the actions needed to meet the minimum-flow
191 requirements under s. 373.042 and thereafter holding excess
192 surface water from the Peace Creek Canal in storage for public
193 supply, or commercial or industrial water users.

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194 (e) The Central Florida Water Resource Development
195 Initiative. The purpose of this initiative is to create and
196 implement a long-term plan that takes a comprehensive approach
197 to limit ground water withdrawals in the Southern Water Use
198 Caution Area, which includes the identification and development
199 of alternative water supplies for Polk County. The initiative
200 shall be implemented by the district as an ongoing program in
201 cooperation with Polk County and the South Florida Water
202 Management District. The initiative shall include:

203 1. The Kissimmee River Component. This component shall
204 include developing, if feasible, a supply of potable water from
205 surface waters near Lake Kissimmee. This project is intended to
206 increase the amount of water available for meeting public water
207 demands in the Central Florida Coordination Area while not
208 violating the minimum flows and levels adopted for the Kissimmee
209 River.

210 2. The Upper Peace River Component. This component shall
211 be implemented by investigating the feasibility of using an off-
212 stream reservoir to capture water from the Peace River during
213 high-flow periods, which may include the storage of water on
214 private lands for use as a public water supply.

215 (5) By March 1 each year, the district shall report on the
216 implementation of this section as part of the consolidated
217 annual report required in s. 373.036(7). Copies of the report,
218 including proposed legislative recommendations, shall be
219 submitted to the President of the Senate and the Speaker of the
220 House of Representatives. The implementation report must
221 include, at a minimum:

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222 (a) A summary of the conditions of the Southern Water Use
223 Caution Area, including the status of the West-Central Florida
224 Water Restoration Action Plan components.

225 (b) An annual accounting of the expenditure of funds. The
226 accounting must, at a minimum, provide details of expenditures
227 separately by plan component and any subparts of a plan
228 component, and include specific information about amount and use
229 of funds from federal, state, or local government sources. In
230 detailing the use of these funds, the district shall indicate
231 those designated to meet requirements for matching funds.

232 Section 2. This act shall take effect July 1, 2008.