

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

29 Southwest Florida Water Management District prepare the
 30 report in cooperation with coordinating agencies and
 31 affected local governments and submit a report and
 32 legislative proposals to the Governor and Legislature;
 33 providing an effective date.

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

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

39 373.0363 West-Central Florida Water Restoration Action
 40 Plan.--

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

42 (a) "Central Florida Coordination Area" means all of Polk,
 43 Osceola, Orange, and Seminole Counties, and southern Lake
 44 County, as designated by the Southwest Florida Water Management
 45 District, the South Florida Water Management District, and the
 46 St. Johns River Water Management District.

47 (b) "District" means the Southwest Florida Water
 48 Management District.

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

56 (d) "Southern Water Use Caution Area Recovery Strategy"

57 means the district's regulatory, planning, and financial
58 strategy for ensuring that adequate water supplies are available
59 to meet growing demands while protecting and restoring the water
60 and related natural resources of the area.

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

65 (2) The Legislature finds that:

66 (a) In response to growing demands from public supply,
67 agriculture, mining, power generation, and recreational users,
68 groundwater withdrawals in the Southern Water Use Caution Area
69 have steadily increased for nearly a century before peaking in
70 the mid-1970s. These withdrawals resulted in declines in aquifer
71 levels throughout the groundwater basin, which in some areas
72 exceeded 50 feet.

73 (b) While groundwater withdrawals have since stabilized as
74 a result of the district's management efforts, depressed aquifer
75 levels continue to result in saltwater intrusion, reduced flows
76 in the Upper Peace River, lowered water levels, and adverse
77 water quality impacts for some lakes in the Lake Wales Ridge
78 areas of Polk and Highlands Counties.

79 (c) In response to these resource concerns, and as
80 directed by s. 373.036, the district determined that traditional
81 sources of water in the region are not adequate to supply water
82 for all existing and projected reasonable and beneficial uses
83 and to sustain the water resources and related natural systems.

84 (d) The expeditious implementation of the Southern Water

85 Use Caution Area Recovery Strategy is needed to meet the minimum
86 flow requirement for the Upper Peace River, slow saltwater
87 intrusion, provide for improved lake levels and water quality
88 along the Lake Wales Ridge, and ensure sufficient water supplies
89 for all existing and projected reasonable and beneficial uses.

90 (e) Sufficient research has been conducted and sufficient
91 plans developed to immediately expand and accelerate programs to
92 sustain the water resources and related natural systems in the
93 Southern Water Use Caution Area.

94 (f) Implementation of components of the Southern Water Use
95 Caution Area Recovery Strategy, which are contained in the West-
96 Central Florida Water Restoration Action Plan, is for the
97 benefit of the public health, safety, and welfare and is in the
98 public interest.

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

105 (h) A continuing source of funding is needed to
106 effectively implement the West-Central Florida Water Restoration
107 Action Plan.

108 (3) The district shall implement the West-Central Florida
109 Water Restoration Action Plan in a manner that furthers
110 progressive strategies for the management of water resources, is
111 watershed-based, provides for consideration of water quality
112 issues, and includes monitoring, the development and

113 implementation of best-management practices, and structural and
114 nonstructural projects, including public works projects. The
115 district shall coordinate its implementation of the plan with
116 regional water supply authorities, public and private
117 partnerships, and local, state, and federal partners in order to
118 maximize opportunities for the most efficient and timely
119 expenditures of public funds.

120 (4) The West-Central Florida Water Restoration Action Plan
121 includes:

122 (a) The Central West Coast Surface Water Enhancement
123 Initiative. The purpose of this initiative is to make additional
124 surface waters available for public supply through restoration
125 of surface waters, natural water flows, and freshwater wetland
126 communities. This initiative is designed to allow limits on
127 groundwater withdrawals in order to slow the rate of saltwater
128 intrusion. The initiative shall be an ongoing program in
129 cooperation with the Peace River-Manasota Regional Water Supply
130 Authority created under s. 373.1962. The initiative shall
131 include the following components, if feasible:

132 1. The Dona Bay-Cow Pen Slough Component. This component
133 is anticipated to increase the capacity to store excess
134 freshwater flows for the purposes of supplying potable water and
135 restoring wetland ecosystems, including the quality and clarity
136 of water in the system and the subsequent rejuvenation of the
137 system's mollusks, oyster beds, seagrasses, and salinity.

138 2. The Shell Creek Watershed Component. This component is
139 anticipated to increase water storage capacity upstream,
140 redirect the stored water to its natural and historical flow

141 pattern resulting in a benefit to the downstream ecosystem, and
142 capture high flows for use as public supply during low-flow
143 periods.

144 3. The Upper Myakka River-Flatford Swamp Component. This
145 component is anticipated to reduce the amount of water entering
146 the swamp so that normal hydroperiods are restored, to create a
147 historically more natural system, and to increase the
148 availability of water for public supply.

149 (b) The Facilitating Agricultural Resource Management
150 Systems Initiative. The purpose of this initiative is to
151 expedite the implementation of production-scale, best-management
152 practices in the agricultural sector, which will result in
153 reductions in groundwater withdrawals and improvements in water
154 quality, water resources, and ecology. The initiative is a cost-
155 share reimbursement program to provide funding incentives to
156 agricultural landowners for the implementation of best-
157 management practices. The initiative shall be implemented by the
158 district in cooperation with the Department of Agriculture and
159 Consumer Services.

160 (c) The Ridge Lakes Restoration Initiative. The purpose of
161 this initiative is to protect, restore, and enhance natural
162 systems and flood protection by improving and protecting the
163 water quality of approximately 130 lakes located along the Lake
164 Wales Ridge in Polk and Highlands Counties, which quality is
165 threatened by stormwater runoff, wastewater effluent, fertilizer
166 applications, groundwater pollution, degradation of shoreline
167 habitats, and hydrologic alterations. This initiative shall be
168 accomplished through the construction of systems designed to

169 treat the stormwater runoff that threatens the water quality of
170 such lakes. Such systems include swales, retention basins, and
171 long infiltration basins, if feasible.

172 (d) The Upper Peace River Watershed Restoration
173 Initiative. The purpose of this initiative is to improve the
174 quality of waters and ecosystems in the watershed of the Upper
175 Peace River by recharging aquifers, restoring the flow of
176 surface waters, and restoring the capacity of natural systems to
177 store surface waters. The Legislature finds that such
178 improvements are necessary because the quantity and quality of
179 the fresh water that flows to the basin of the Peace River and
180 Charlotte Harbor are adversely affected by the significant
181 alteration and degradation of the watershed of the Upper Peace
182 River, and because restoration of the watershed of the Upper
183 Peace River is a critical component of the Charlotte Harbor
184 National Estuary Program's Comprehensive Conservation and
185 Management Plan, the Southwest Florida Water Management
186 District's Surface Water Improvement and Management Plan, and
187 the Southern Water Use Caution Area Recovery Strategy. This
188 initiative shall include an Upper Peace River Component. In
189 addition to the initiative's other purposes, this component will
190 provide a critical link to a major greenway that extends from
191 the lower southwest coast of this state through the watershed of
192 the Peace River and the Green Swamp and further north to the
193 Ocala National Forest. Projects that are included in the Upper
194 Peace River Component include:

195 1. The Lake Hancock Component. The purpose of this
196 component is to help meet the minimum-flow requirements in the

197 Upper Peace River and to improve water quality. The component
198 shall include modifications of a structure to control the
199 elevation of water levels in Lake Hancock and the treatment of
200 outfall from the lake.

201 2. The Peace Creek Canal Restoration Project. The purpose
202 of this project is to enhance the recharge of aquifers, restore
203 the capacity of natural systems to store waters, and provide
204 flood protection. The project shall be implemented by
205 undertaking the actions needed to meet the minimum-flow
206 requirements under s. 373.042 and thereafter holding excess
207 surface water from the Peace Creek Canal in storage for public
208 supply or commercial or industrial water users.

209 (e) The Central Florida Water Resource Development
210 Initiative. The purpose of this initiative is to create and
211 implement a long-term plan that takes a comprehensive approach
212 to limit ground water withdrawals in the Southern Water Use
213 Caution Area and to identify and develop alternative water
214 supplies for Polk County. The project components developed
215 pursuant to this initiative are eligible for state and regional
216 funding under s. 373.196 as an alternative water supply, as
217 defined in s. 373.019, or as a supplemental water supply under
218 the rules of the Southwest Florida Water Management District or
219 the South Florida Water Management District. The initiative
220 shall be implemented by the district as an ongoing program in
221 cooperation with Polk County and the South Florida Water
222 Management District. The initiative shall include:

223 1. The Kissimmee River Component. This component shall
224 include developing, if feasible, a public water supply from

225 surface waters in the Kissimmee Basin near Lake Kissimmee,
 226 blending such supply with other potable water supplies, and
 227 distributing such potable waters by connecting to the water-
 228 distribution systems of municipal water utilities. This project
 229 is intended to increase the amount of water available for
 230 meeting public demand for water in the Central Florida
 231 Coordination Area.

232 2. The Upper Peace River Component. This component shall
 233 be implemented by investigating the feasibility of using an off-
 234 stream reservoir, which may include the storage of water on
 235 private lands, to capture water from the Peace River during
 236 high-flow periods for use as a public water supply. If it is
 237 determined that the most feasible location of an off-stream
 238 reservoir is outside Polk County, the district shall promote
 239 Polk County's participation in the development and use of such
 240 reservoir so long as such development and use satisfies all of
 241 the requirements of this chapter and the rules of the district.

242 (5) By March 1 each year, the district shall report on the
 243 implementation of this section as part of the consolidated
 244 annual report required in s. 373.036(7). The district shall
 245 annually submit a copy of the implementation report and
 246 recommended legislative proposals to the Governor, the President
 247 of the Senate, and the Speaker of the House of Representatives.
 248 The district shall prepare the implementation report in
 249 cooperation with the other coordinating agencies and affected
 250 local governments. The implementation report shall include, at a
 251 minimum:

252 (a) A summary of the conditions of the Southern Water Use

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253 Caution Area, including the status of the components of the
254 West-Central Florida Water Restoration Action Plan.

255 (b) An annual accounting of the expenditure of funds. The
256 accounting must, at a minimum, provide details of expenditures
257 separately by plan component and any subparts of a plan
258 component, and include specific information about amount and use
259 of funds from federal, state, and local government sources. In
260 detailing the use of these funds, the district shall indicate
261 those funds that are designated to meet requirements for
262 matching funds.

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