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CHAMBER ACTION

| <u>Senate</u> | . | <u>House</u> |
|---------------|---|--------------|
| Comm: RCS     | . |              |
| 4/3/2008      | . |              |
|               | . |              |
|               | . |              |

1 The Committee on Environmental Preservation and Conservation  
 2 (Gaetz) recommended the following **amendment**:

3  
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
 6 and insert:

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

9 373.0363 West-Central Florida Water Restoration Action  
 10 Plan.--

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

12 (a) "Central Florida Coordination Area" means all of Polk,  
 13 Osceola, Orange and Seminole Counties, and southern Lake County,  
 14 as designated by the Southwest Florida Water Management District,  
 15 the South Florida Water Management District, and the St. Johns  
 16 River Water Management District.

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17       (b) "District" means the Southwest Florida Water Management  
18 District.

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

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

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

35       (2) The Legislature finds that:

36       (a) In response to growing demands from public supply,  
37 agriculture, mining, power generation, and recreational users,  
38 ground water withdrawals in the Southern Water Use Caution Area  
39 have steadily increased for nearly a century before peaking in  
40 the mid-1970s. These withdrawals resulted in declines in aquifer  
41 levels throughout the groundwater basin, which in some areas  
42 exceeded 50 feet.

43       (b) While ground water withdrawals have since stabilized as  
44 a result of the district's management efforts, depressed aquifer  
45 levels continue to result in saltwater intrusion, reduced flows  
46 in the Upper Peace River, lowered water levels, and adverse water

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47 quality impacts for some lakes in the Lake Wales Ridge areas of  
48 Polk and Highlands Counties.

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

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

60 (e) Sufficient research has been conducted and sufficient  
61 plans developed to immediately expand and accelerate programs to  
62 sustain the water resources and related natural systems in the  
63 Southern Water Use Caution Area.

64 (f) Implementation of components of the Southern Water Use  
65 Caution Area Recovery Strategy, which are contained in the West-  
66 Central Florida Water Restoration Action Plan, is for the benefit  
67 of the public health, safety, and welfare and is in the public  
68 interest.

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

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

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77       (3) The district shall implement the West-Central Florida  
78 Water Restoration Action Plan in a manner that furthers  
79 progressive strategies for the management of water resources, is  
80 watershed-based, provides for consideration of water quality  
81 issues, and includes monitoring, the development and  
82 implementation of best-management practices, and structural and  
83 nonstructural projects, including public works projects. The  
84 district shall coordinate its implementation of the plan with  
85 regional water supply authorities, public and private  
86 partnerships, and local, state, and federal partners in order to  
87 maximize opportunities for the most efficient and timely  
88 expenditures of public funds.

89       (4) The West-Central Florida Water Restoration Action Plan  
90 includes:

91       (a) The Central West Coast Surface Water Enhancement  
92 Initiative. The purpose of this initiative is to make additional  
93 surface waters available for public supply through restoration of  
94 surface waters, natural water flows, and freshwater wetland  
95 communities. This initiative is designed to allow limits on  
96 ground water withdrawals in order to slow the rate of saltwater  
97 intrusion. The initiative shall be an on-going program in  
98 cooperation with the Peace River-Manasota Regional Water Supply  
99 Authority created under s. 373.1962. The initiative shall include  
100 the following components, if feasible:

101       1. The Dona Bay-Cow Pen Slough Component. This component is  
102 anticipated to increase the capacity to store excess freshwater  
103 flows for the purpose of supplying potable water and of restoring  
104 wetland ecosystems, including the quality and clarity of water in  
105 the system and the subsequent rejuvenation of the system's  
106 mollusks, oyster beds, seagrasses, and salinity.



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107        2. The Shell Creek Watershed Component. This component is  
108 anticipated to increase water storage capacity upstream, redirect  
109 the stored water to its natural and historical flow pattern  
110 resulting in a benefit to the downstream ecosystem, and capture  
111 high flows for use as public supply during low-flow periods.

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

117        (b) The Facilitating Agricultural Resource Management  
118 Systems Initiative. The purpose of this initiative is to expedite  
119 the implementation of production-scale, best-management practices  
120 in the agricultural sector which will result in reductions in  
121 groundwater withdrawals and improvements in water quality, water  
122 resources, and ecology. The initiative is a cost-share  
123 reimbursement program to provide funding incentives to  
124 agricultural landowners for the implementation of best-management  
125 practices. The initiative shall be implemented by district in  
126 cooperation with the Department of Agriculture and Consumer  
127 Services.

128        (c) The Ridge Lakes Restoration Initiative. The purpose of  
129 this initiative is to protect, restore, and enhance natural  
130 systems and flood protection by improving and protecting the  
131 water quality of approximately 130 lakes located along the Lake  
132 Wales Ridge in Polk County and Highlands County, which quality is  
133 threatened by stormwater runoff, wastewater effluent, fertilizer  
134 applications, groundwater pollution, degradation of shoreline  
135 habitats, and hydrologic alterations. This initiative shall be  
136 accomplished through the construction of systems designed to



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

140 (d) The Upper Peace River Watershed Restoration Initiative.  
141 The purpose of this initiative is to improve the quality of  
142 waters and ecosystems in the watershed of the Upper Peace River  
143 by recharging aquifers, restoring the flow of surface waters, and  
144 restoring the capacity of natural systems to store surface  
145 waters. The Legislature finds that such improvements are  
146 necessary because the quantity and quality of the fresh water  
147 that flows to the basin of the Peace River and Charlotte Harbor  
148 are adversely affected by the significant alteration and  
149 degradation of the watershed of the Upper Peace River, and  
150 because restoration of the watershed of the Upper Peace River is  
151 a critical component of the Charlotte Harbor National Estuary  
152 Program's Comprehensive Conservation and Management Plan, the  
153 Southwest Florida Water Management District's Surface Water  
154 Improvement and Management Plan, and the Southern Water Use  
155 Caution Area Recovery Strategy. This initiative shall include an  
156 Upper-Peace-River component. In addition to the initiative's  
157 other purposes, this component will provide a critical link to a  
158 major greenway that extends from the lower southwest coast of  
159 this state through the watershed of the Peace River and the Green  
160 Swamp and further north to the Ocala National Forest. Projects  
161 that are included in the Upper-Peace-River component include:

162 1. The Lake Hancock Component. The purpose of this  
163 component is to help meet the minimum-flow requirements in the  
164 Upper Peace River and to improve water quality. The component  
165 shall include modifications of a structure to control the

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166 elevation of water levels in Lake Hancock and the treatment of  
167 outfall from the lake.

168 2. The Peace Creek Canal Restoration Project. The purpose  
169 of this project is to enhance the recharge of aquifers, restore  
170 the capacity of natural systems to store waters, and provide  
171 flood protection. The project shall be implemented by undertaking  
172 the actions needed to meet the minimum-flow requirements under s.  
173 373.042 and thereafter holding excess surface water from the  
174 Peace Creek Canal in storage for public water supply or  
175 commercial or industrial water users.

176 (e) The Central Florida Water Resource Development  
177 Initiative. The purpose of this initiative is to create and  
178 implement a long-term plan that takes a comprehensive approach to  
179 limit ground water withdrawals in the Southern Water Use Caution  
180 Area and to identify and develop alternative water supplies for  
181 Polk County. The project components developed pursuant to this  
182 initiative are eligible for state and regional funding under s.  
183 373.196 as an alternative water supply, as defined in s. 373.019,  
184 or as a supplemental water supply under the rules of the  
185 Southwest Florida Water Management District or the South Florida  
186 Water Management District. The initiative shall be implemented by  
187 the district as an on-going program in cooperation with Polk  
188 County and the South Florida Water Management District. The  
189 initiative shall include:

190 1. The Kissimmee River component. This component shall  
191 include developing, if feasible, a public water supply from  
192 surface waters in the Kissimmee Basin near Lake Kissimmee,  
193 blending such supply with other potable water supplies, and  
194 distributing such potable waters by connecting to the water-  
195 distribution systems of municipal water utilities. This project



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196 is intended to increase the amount of water available for meeting  
197 public demand for water in the Central Florida Coordination Area.

198 2. The Upper Peace River component. This component shall be  
199 implemented by investigating the feasibility of using an off-  
200 stream reservoir that may include the storage of water on private  
201 lands to capture water from the Peace River during high-flow  
202 periods for use as a public water supply. If it is determined  
203 that the most feasible location of an off-stream reservoir is  
204 outside Polk County, the district shall promote Polk County's  
205 participation in the development and use of such reservoir and  
206 any associated withdrawal from the Peace River.

207 (5) By March 1 each year, the district shall report on the  
208 implementation of this section as part of the consolidated annual  
209 report required in s. 373.036(7). The district shall annually  
210 submit a copy of the implementation report and recommended  
211 legislative proposals to the Governor, the President of the  
212 Senate, and the Speaker of the House of Representatives. The  
213 district shall prepare the implementation report in cooperation  
214 with the other coordinating agencies and affected local  
215 governments. The implementation report must include, at a  
216 minimum:

217 (a) A summary of the conditions of the Southern Water Use  
218 Caution Area, including the status of the components of the West-  
219 Central Florida Water Restoration Action Plan; and

220 (b) An annual accounting of the expenditure of funds. The  
221 accounting must, at a minimum, provide details of expenditures  
222 separately by plan component and any subparts of a plan  
223 component, and include specific information about amount and use  
224 of funds from federal, state, and local government sources. In  
225 detailing the use of these funds, the district shall indicate





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226 those funds that are designated to meet requirements for matching  
227 funds.

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

229  
230 ===== T I T L E A M E N D M E N T =====

231 And the title is amended as follows:

232 Delete everything before the enacting clause  
233 and insert:

234 A bill to be entitled  
235 An act relating to the West-Central Florida Water  
236 Restoration Action Plan; creating s. 373.0363, F.S.;  
237 providing definitions; providing legislative findings and  
238 intent; providing criteria governing the implementation of  
239 the West-Central Florida Water Restoration Action Plan by  
240 the Southwest Florida Water Management District; requiring  
241 that the district coordinate with regional water supply  
242 authorities and governmental partners to maximize  
243 opportunities concerning the efficient expenditure of  
244 public funds; specifying the plan's purpose; specifying  
245 the initiatives that are included in the plan; providing  
246 criteria governing implementation of the Central West  
247 Coast Surface Water Enhancement Initiative, the  
248 Facilitating Agricultural Resource Management Systems  
249 Initiative, the Ridge Lakes Restoration Initiative, the  
250 Upper Peace River Watershed Restoration Initiative, and  
251 the Central Florida Water Resource Development Initiative  
252 and certain components or projects included in such  
253 initiatives; providing for the district to implement  
254 certain initiatives or parts thereof in cooperation with  
255 the Peace River-Manasota Regional Water Supply Authority

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256 | or Polk County; requiring an annual report that meets  
257 | specified criteria concerning implementation of the plan,  
258 | regional conditions, and the use of funds; requiring that  
259 | the Southwest Florida Water Management District prepare  
260 | the report in cooperation with coordinating agencies and  
261 | affected local governments and provide the report and  
262 | legislative proposals to the Governor, the President of  
263 | the Senate, and the Speaker of the House of; providing an  
264 | effective date.