

By Senator Alexander

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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; providing criteria governing the  
6           implementation of the West-Central Florida Water  
7           Restoration Action Plan by the Southwest Florida Water  
8           Management District; requiring that the district  
9           coordinate with regional water supply authorities and  
10          governmental partners to maximize opportunities  
11          concerning the efficient expenditure of public funds;  
12          specifying the plan's purpose; specifying the  
13          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 or Polk County; requiring an annual  
25          report that meets specified criteria concerning  
26          implementation of the plan, regional conditions, and the  
27          use of funds; requiring that the district provide the  
28          report and legislative recommendations to the President

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29 of the Senate and the Speaker of the House of  
30 Representatives; providing an effective date.

31

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

33

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

36 373.0363 West-Central Florida Water Restoration Action  
37 Plan.--

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

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

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

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

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

57 (2) The Legislature finds that:

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

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

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

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

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

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

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

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

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

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

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

113 (a) The Central West Coast Surface Water Enhancement  
114 Initiative. The purpose of this initiative is to make additional  
115 surface waters available for public supply through restoration of

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116 surface waters, natural water flows, and freshwater wetland  
117 communities. This initiative is designed to allow limits on  
118 ground water withdrawals in order to slow the rate of saltwater  
119 intrusion. The initiative shall be an on-going program in  
120 cooperation with the Peace River-Manasota Regional Water Supply  
121 Authority created under s. 373.1962. The initiative shall include  
122 the following components, if feasible:

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

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

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

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144 quality of ground and surface waters, and conserving and  
145 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 County and Highlands County, 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 Initiative.  
159 The purpose of this initiative is to improve the quality of  
160 waters and ecosystems in the watershed of the Upper Peace River  
161 by recharging aquifers, restoring the flow of surface waters, and  
162 restoring the capacity of natural systems to store surface  
163 waters. The Legislature finds that such improvements are  
164 necessary because the quantity and quality of the fresh water  
165 that flows to the basin of the Peace River and Charlotte Harbor  
166 are adversely affected by the significant alteration and  
167 degradation of the watershed of the Upper Peace River, and  
168 because restoration of the watershed of the Upper Peace River is  
169 a critical component of the Charlotte Harbor National Estuary  
170 Program's Comprehensive Conservation and Management Plan, the  
171 Southwest Florida Water Management District's Surface Water  
172 Improvement and Management Plan, and the Southern Water Use

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173 Caution Area Recovery Strategy. This initiative shall include an  
174 Upper-Peace-River component. In addition to the initiative's  
175 other purposes, this component will provide a critical link to a  
176 major greenway that extends from the lower southwest coast of  
177 this state through the watershed of the Peace River and the Green  
178 Swamp and further north to the Ocala National Forest. Projects  
179 that are included in the Upper-Peace-River component include:

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

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 waters, and provide  
189 flood protection. The project shall be implemented by undertaking  
190 the actions needed to meet the minimum-flow requirements under s.  
191 373.042 and thereafter holding excess surface water from the  
192 Peace Creek Canal in storage for public water supply or  
193 commercial or industrial water users.

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 to  
197 limit ground water withdrawals in the Southern Water Use Caution  
198 Area and to identify and develop alternative water supplies for  
199 Polk County. The initiative shall be implemented by the district  
200 as an on-going program in cooperation with Polk County and the

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201 South Florida Water Management District. The initiative shall  
202 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 demands  
207 for water 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 be  
211 implemented by investigating the feasibility of using an off-  
212 stream reservoir that may include the storage of water on private  
213 lands to capture water from the Peace River during high-flow  
214 periods 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 annual  
217 report required in s. 373.036(7). The district shall annually  
218 submit a copy of the implementation report and recommended  
219 legislative proposals to the President of the Senate and the  
220 Speaker of the House of Representatives. The implementation  
221 report must include, at a minimum:

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

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, and local government sources. In

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230 detailing the use of these funds, the district shall indicate  
231 those funds that are designated to meet requirements for matching  
232 funds.

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