

By the Committee on Environmental Preservation and Conservation;  
and Senators Alexander, Carlton, Bennett, Aronberg and Storms

592-06638-08

20082580c1

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

592-06638-08

20082580c1

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

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

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

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

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

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

45 (b) "District" means the Southwest Florida Water Management  
46 District.

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

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

592-06638-08

20082580c1

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

63       (2) The Legislature finds that:

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

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

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

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

592-06638-08

20082580c1

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

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

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

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

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

592-06638-08

20082580c1

117       (4) The West-Central Florida Water Restoration Action Plan  
118 includes:

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

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

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

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

145       (b) The Facilitating Agricultural Resource Management

592-06638-08

20082580c1

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

156 (c) The Ridge Lakes Restoration Initiative. The purpose of  
157 this initiative is to protect, restore, and enhance natural  
158 systems and flood protection by improving and protecting the  
159 water quality of approximately 130 lakes located along the Lake  
160 Wales Ridge in Polk County and Highlands County, which quality is  
161 threatened by stormwater runoff, wastewater effluent, fertilizer  
162 applications, groundwater pollution, degradation of shoreline  
163 habitats, and hydrologic alterations. This initiative shall be  
164 accomplished through the construction of systems designed to  
165 treat the stormwater runoff that threatens the water quality of  
166 such lakes. Such systems include swales, retention basins, and  
167 long infiltration basins, if feasible.

168 (d) The Upper Peace River Watershed Restoration Initiative.  
169 The purpose of this initiative is to improve the quality of  
170 waters and ecosystems in the watershed of the Upper Peace River  
171 by recharging aquifers, restoring the flow of surface waters, and  
172 restoring the capacity of natural systems to store surface  
173 waters. The Legislature finds that such improvements are  
174 necessary because the quantity and quality of the fresh water

592-06638-08

20082580c1

175 that flows to the basin of the Peace River and Charlotte Harbor  
176 are adversely affected by the significant alteration and  
177 degradation of the watershed of the Upper Peace River, and  
178 because restoration of the watershed of the Upper Peace River is  
179 a critical component of the Charlotte Harbor National Estuary  
180 Program's Comprehensive Conservation and Management Plan, the  
181 Southwest Florida Water Management District's Surface Water  
182 Improvement and Management Plan, and the Southern Water Use  
183 Caution Area Recovery Strategy. This initiative shall include an  
184 Upper-Peace-River component. In addition to the initiative's  
185 other purposes, this component will provide a critical link to a  
186 major greenway that extends from the lower southwest coast of  
187 this state through the watershed of the Peace River and the Green  
188 Swamp and further north to the Ocala National Forest. Projects  
189 that are included in the Upper-Peace-River component include:

190 1. The Lake Hancock Component. The purpose of this  
191 component is to help meet the minimum-flow requirements in the  
192 Upper Peace River and to improve water quality. The component  
193 shall include modifications of a structure to control the  
194 elevation of water levels in Lake Hancock and the treatment of  
195 outfall from the lake.

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

592-06638-08

20082580c1

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

218       1. The Kissimmee River component. This component shall  
219 include developing, if feasible, a public water supply from  
220 surface waters in the Kissimmee Basin near Lake Kissimmee,  
221 blending such supply with other potable water supplies, and  
222 distributing such potable waters by connecting to the water-  
223 distribution systems of municipal water utilities. This project  
224 is intended to increase the amount of water available for meeting  
225 public demand for water in the Central Florida Coordination Area.

226       2. The Upper Peace River component. This component shall be  
227 implemented by investigating the feasibility of using an off-  
228 stream reservoir that may include the storage of water on private  
229 lands to capture water from the Peace River during high-flow  
230 periods for use as a public water supply. If it is determined  
231 that the most feasible location of an off-stream reservoir is  
232 outside Polk County, the district shall promote Polk County's



592-06638-08

20082580c1

233 participation in the development and use of such reservoir and  
234 any associated withdrawal from the Peace River.

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

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

248 (b) An annual accounting of the expenditure of funds. The  
249 accounting must, at a minimum, provide details of expenditures  
250 separately by plan component and any subparts of a plan  
251 component, and include specific information about amount and use  
252 of funds from federal, state, and local government sources. In  
253 detailing the use of these funds, the district shall indicate  
254 those funds that are designated to meet requirements for matching  
255 funds.

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