

By the Committees on General Government Appropriations;
Environmental Preservation and Conservation; and Senators
Alexander, Carlton, Bennett, Aronberg and Storms

601-07317-08

20082580c2

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

601-07317-08

20082580c2

30 the Senate, and the Speaker of the House of
31 Representatives; amending s. 403.087, F.S.; prohibiting
32 the permitting of landfills under certain conditions;
33 providing an effective date.

34
35 Be It Enacted by the Legislature of the State of Florida:

36
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 County,
44 as designated by the Southwest Florida Water Management District,
45 the South Florida Water Management District, and the St. Johns
46 River Water Management District.

47 (b) "District" means the Southwest Florida Water Management
48 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 planning, regulatory, and financial strategy
58 for ensuring that adequate water supplies are available to meet

601-07317-08

20082580c2

59 growing demands while protecting and restoring the water and
60 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 ground water 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 ground water 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 water
77 quality impacts for some lakes in the Lake Wales Ridge areas of
78 Polk and Highlands Counties.

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

601-07317-08

20082580c2

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 benefit
97 of the public health, safety, and welfare and is in the public
98 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 Lake
103 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 effectively
106 implement the West-Central Florida Water Restoration Action Plan.

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

601-07317-08

20082580c2

117 maximize opportunities for the most efficient and timely
118 expenditures of public funds.

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

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

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

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

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

601-07317-08

20082580c2

146 availability of water for public supply.

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

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

170 (d) The Upper Peace River Watershed Restoration Initiative.
171 The purpose of this initiative is to improve the quality of
172 waters and ecosystems in the watershed of the Upper Peace River
173 by recharging aquifers, restoring the flow of surface waters, and
174 restoring the capacity of natural systems to store surface

601-07317-08

20082580c2

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

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

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

601-07317-08

20082580c2

204 Peace Creek Canal in storage for public water supply or
205 commercial or industrial water users.

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

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

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

601-07317-08

20082580c2

233 that the most feasible location of an off-stream reservoir is
234 outside Polk County, the district shall promote Polk County's
235 participation in the development and use of such reservoir so
236 long as such development and use satisfies all requirements of
237 this chapter and the rules of the district.

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

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

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

259 Section 2. Present subsection (9) of section 403.087,
260 Florida Statutes, is redesignated as subsection (10), and a new
261 subsection (9) is added to that section, to read:

601-07317-08

20082580c2

262 403.087 Permits; general issuance; denial; revocation;
263 prohibition; penalty.--

264 (9) The department shall not issue any permit for a Class I
265 landfill that will be located on or adjacent to a Class III
266 landfill that was permitted on or before January 1, 2006, and
267 that is located in the Southern Water Use Caution Area designated
268 by rule by the Southwest Florida Water Management District. This
269 subsection applies to all applications for any Class I landfill
270 permit submitted after January 1, 2006, for which the department
271 has not issued a final permit.

272 Section 3. This act shall take effect July 1, 2008.