

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

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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 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

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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

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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

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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

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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

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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

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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

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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

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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:

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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.