

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Mayfield offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 373.0363, Florida Statutes, is created
6 to read:

7 373.0363 West-Central Florida Water Restoration Action
8 Plan.--

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

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

15 (b) "District" means the Southwest Florida Water
16 Management District.

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

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

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

33 (2) The Legislature finds that:

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

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

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45 water quality impacts for some lakes in the Lake Wales Ridge
46 areas of Polk and Highlands Counties.

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

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

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

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

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

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

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

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

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

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

106 2. The Shell Creek Watershed Component. This component is
107 anticipated to increase water storage capacity upstream,
108 redirect the stored water to its natural and historical flow
109 pattern resulting in a benefit to the downstream ecosystem, and
110 capture high flows for use as public supply during low-flow
111 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
119 expedite the implementation of production-scale, best-management
120 practices in the agricultural sector, which will result in
121 reductions in groundwater withdrawals and improvements in water
122 quality, water resources, and ecology. The initiative is a cost-
123 share reimbursement program to provide funding incentives to
124 agricultural landowners for the implementation of best-
125 management practices. The initiative shall be implemented by the
126 district in cooperation with the Department of Agriculture and
127 Consumer Services.

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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 and Highlands Counties, 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
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
141 Initiative. The purpose of this initiative is to improve the
142 quality of waters and ecosystems in the watershed of the Upper
143 Peace River by recharging aquifers, restoring the flow of
144 surface waters, and restoring the capacity of natural systems to
145 store surface waters. The Legislature finds that such
146 improvements are necessary because the quantity and quality of
147 the fresh water that flows to the basin of the Peace River and
148 Charlotte Harbor are adversely affected by the significant
149 alteration and degradation of the watershed of the Upper Peace
150 River, and because restoration of the watershed of the Upper
151 Peace River is a critical component of the Charlotte Harbor
152 National Estuary Program's Comprehensive Conservation and
153 Management Plan, the Southwest Florida Water Management
154 District's Surface Water Improvement and Management Plan, and
155 the Southern Water Use Caution Area Recovery Strategy. This

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156 initiative shall include an Upper Peace River Component. In
157 addition to the initiative's other purposes, this component will
158 provide a critical link to a major greenway that extends from
159 the lower southwest coast of this state through the watershed of
160 the Peace River and the Green Swamp and further north to the
161 Ocala National Forest. Projects that are included in the Upper
162 Peace River Component include:

163 1. The Lake Hancock Component. The purpose of this
164 component is to help meet the minimum-flow requirements in the
165 Upper Peace River and to improve water quality. The component
166 shall include modifications of a structure to control the
167 elevation of water levels in Lake Hancock and the treatment of
168 outfall from the lake.

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

177 (e) The Central Florida Water Resource Development
178 Initiative. The purpose of this initiative is to create and
179 implement a long-term plan that takes a comprehensive approach
180 to limit ground water withdrawals in the Southern Water Use
181 Caution Area and to identify and develop alternative water
182 supplies for Polk County. The project components developed
183 pursuant to this initiative are eligible for state and regional

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184 funding under s. 373.196 as an alternative water supply, as
185 defined in s. 373.019, or as a supplemental water supply under
186 the rules of the Southwest Florida Water Management District or
187 the South Florida Water Management District. The initiative
188 shall be implemented by the district as an ongoing program in
189 cooperation with Polk County and the South Florida Water
190 Management District. The initiative shall include:

191 1. The Kissimmee River Component. This component shall
192 include developing, if feasible, a public water supply from
193 surface waters in the Kissimmee Basin near Lake Kissimmee,
194 blending such supply with other potable water supplies, and
195 distributing such potable waters by connecting to the water-
196 distribution systems of municipal water utilities. This project
197 is intended to increase the amount of water available for
198 meeting public demand for water in the Central Florida
199 Coordination Area.

200 2. The Upper Peace River Component. This component shall
201 be implemented by investigating the feasibility of using an off-
202 stream reservoir, which may include the storage of water on
203 private lands, to capture water from the Peace River during
204 high-flow periods for use as a public water supply. If it is
205 determined that the most feasible location of an off-stream
206 reservoir is outside Polk County, the district shall promote
207 Polk County's participation in the development and use of such
208 reservoir so long as such development and use satisfies all of
209 the requirements of this chapter and the rules of the district.

210 (5) By March 1 each year, the district shall report on the
211 implementation of this section as part of the consolidated

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212 annual report required in s. 373.036(7). The district shall
213 annually submit a copy of the implementation report and
214 recommended legislative proposals to the Governor, the President
215 of the Senate, and the Speaker of the House of Representatives.
216 The district shall prepare the implementation report in
217 cooperation with the other coordinating agencies and affected
218 local governments. The implementation report shall include, at a
219 minimum:

220 (a) A summary of the conditions of the Southern Water Use
221 Caution Area, including the status of the components of the
222 West-Central Florida Water Restoration Action Plan.

223 (b) An annual accounting of the expenditure of funds. The
224 accounting must, at a minimum, provide details of expenditures
225 separately by plan component and any subparts of a plan
226 component, and include specific information about amount and use
227 of funds from federal, state, and local government sources. In
228 detailing the use of these funds, the district shall indicate
229 those funds that are designated to meet requirements for
230 matching funds.

231 Section 2. Subsection (3) of section 373.323, Florida
232 Statutes, is amended to read:

233 373.323 Licensure of water well contractors; application,
234 qualifications, and examinations; equipment identification.--

235 (3) An applicant who meets the following requirements
236 shall be entitled to take the water well contractor licensure
237 examination ~~to practice water well contracting:~~

238 (a) Is at least 18 years of age.

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239 (b) Has at least 2 years of experience in constructing,
240 repairing, or abandoning water wells. Satisfactory proof of such
241 experience shall be demonstrated by providing:

242 1. Evidence of the length of time the applicant has been
243 engaged in the business of the construction, abandonment, and
244 repair of water wells as a major activity, as attested to by
245 three letters from any of the following persons:

246 a. Water well contractors.

247 b. Water well drillers.

248 c. Water well parts and equipment vendors.

249 d. Water well inspectors employed by a governmental
250 agency.

251 2. A list of at least 10 water wells that the applicant
252 has constructed, repaired, or abandoned, which includes the
253 following information:

254 a. The name and address of the owner or owners of each
255 well.

256 b. The location, primary use, and approximate depth and
257 diameter of each well that the applicant has constructed,
258 repaired, or abandoned.

259 c. The approximate date the construction, repair, or
260 abandonment of each well was completed.

261 3. All listed wells must have been constructed, repaired,
262 or abandoned within 5 years immediately preceding the filing of
263 the license application. At least 7 of the 10 water wells must
264 have been constructed by the applicant, as defined in s.
265 373.303(2).

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266 (c) Has completed the application form and remitted a
267 nonrefundable application fee.

268 Section 3. (1) LEGISLATIVE INTENT.--The Legislature finds
269 that desalination of seawater is a proven technology for
270 providing water supply solutions for countries around the world
271 and an increasingly cost-competitive alternative for coastal
272 cities within the United States. The potential success of
273 desalination projects would benefit the communities they
274 directly serve and the state as a whole by preserving existing
275 natural water resources and providing a practical means of
276 ensuring adequate supplies of water for future generations of
277 Floridians. Therefore, it is the intent of the Legislature to
278 aggressively pursue desalination technologies for use in the
279 state.

280 (2) DESALINATION TECHNOLOGY STUDY; REPORT.--The Secretary
281 of Environmental Protection is directed to coordinate with the
282 water management districts to conduct a study examining all
283 current and available desalination technologies. The study shall
284 include an analysis of the existing desalination projects in the
285 state and recommendations for a plan to effectively utilize and
286 implement desalination technologies that are environmentally and
287 fiscally sound and that will provide sustainability of the
288 current water supply demands of the state as well as long-term
289 potable water supply demands based on projected population
290 growth. The secretary shall submit a report of the findings of
291 the study and plan recommendations to the Governor, the
292 President of the Senate, and the Speaker of the House of
293 Representatives by June 30, 2009.

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294 Section 4. This act shall take effect on July 1, 2008.

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297 **T I T L E A M E N D M E N T**

298 Remove the entire title and insert:

299 A bill to be entitled

300 An act relating to water management districts; creating s.
301 373.0363, F.S.; providing definitions; providing
302 legislative findings and intent; requiring the Southwest
303 Florida Water Management District to implement the West-
304 Central Florida Water Restoration Action Plan; providing
305 criteria governing the implementation of the plan;
306 requiring that the district coordinate with regional water
307 supply authorities and governmental partners to maximize
308 opportunities concerning the efficient expenditure of
309 public funds; specifying the plan's purpose; specifying
310 the initiatives that are included in the plan; providing
311 criteria governing implementation of the Central West
312 Coast Surface Water Enhancement Initiative, the
313 Facilitating Agricultural Resource Management Systems
314 Initiative, the Ridge Lakes Restoration Initiative, the
315 Upper Peace River Watershed Restoration Initiative, and
316 the Central Florida Water Resource Development Initiative
317 and certain components or projects included in such
318 initiatives; providing for the district to implement
319 certain initiatives or parts thereof in cooperation with
320 the Peace River-Manasota Regional Water Supply Authority,
321 the Department of Agriculture and Consumer Services, or

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322 Polk County; requiring an annual report that meets
323 specified criteria concerning implementation of the plan,
324 regional conditions, and the use of funds; requiring that
325 the Southwest Florida Water Management District prepare
326 the report in cooperation with coordinating agencies and
327 affected local governments and submit a report and
328 legislative proposals to the Governor and Legislature;
329 amending s. 373.323, F.S.; revising requirements for water
330 well contractor licensure examinations; requiring
331 applicants to provide specified documentation; providing
332 legislative intent; directing the Secretary of
333 Environmental Protection to coordinate with the water
334 management districts to conduct a study of certain
335 desalination technologies; providing study requirements;
336 requiring the secretary to report to the Governor and the
337 Legislature by a specified date; providing an effective
338 date.