

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 for the Southwest  
6           Florida Water Management District to meet in  
7           implementing the West-Central Florida Water  
8           Restoration Action Plan; requiring that the district  
9           coordinate with regional water supply authorities and  
10          governmental entities 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 for implementing the Central West Coast  
15          Surface Water Enhancement Initiative, the Facilitating  
16          Agricultural Resource Management Systems Initiative,  
17          the Ridge Lakes Restoration Initiative, the Upper  
18          Peace River Watershed Restoration Initiative, and the  
19          Central Florida Water Resource Development Initiative  
20          and certain components or projects included in such  
21          initiatives; requiring that the district implement  
22          certain initiatives in cooperation with the Peace  
23          River-Manasota Regional Water Supply Authority or Polk  
24          County; requiring that the Southwest Florida Water  
25          Management District prepare a report that meets  
26          specified criteria concerning implementation of the  
27          plan, regional conditions, and the use of funds;  
28          requiring that the district prepare the report in  
29          cooperation with coordinating agencies and affected

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30 local governments and submit the report and  
31 legislative proposals to the Governor and the  
32 Legislature by a specified date; amending s. 403.087,  
33 F.S.; prohibiting the permitting of landfills under  
34 certain conditions; providing an effective date.  
35

36 Be It Enacted by the Legislature of the State of Florida:  
37

38 Section 1. Section 373.0363, Florida Statutes, is created  
39 to read:

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

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

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

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

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

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59 and related natural resources of the area.

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

64 (2) The Legislature finds that:

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

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

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

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

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88 for all existing and projected reasonable and beneficial uses.

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

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

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

104 (h) A continuing source of funding is needed to effectively  
105 implement the West-Central Florida Water Restoration Action  
106 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 the initiative is to make additional  
123 surface waters available for public supply through restoration  
124 of surface waters, natural water flows, and freshwater wetland  
125 communities. The 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 ongoing program in  
128 cooperation with the Peace River-Manasota Regional Water Supply  
129 Authority created under s. 373.1962. The initiative must include  
130 the following components, if feasible:

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

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

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

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146 historically more natural system, and to increase the  
147 availability of water for public supply.

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

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

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

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

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

199 2. The Peace Creek Canal Restoration Project. The purpose  
200 of the project is to enhance the recharge of aquifers, restore  
201 the capacity of natural systems to store waters, and provide  
202 flood protection. The project shall be implemented by  
203 undertaking the actions needed to meet the minimum-flow

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204 requirements in s. 373.042 and, thereafter, holding excess  
205 surface water from the Peace Creek Canal in storage for public  
206 water supply or commercial or industrial water users.

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

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

230 2. The Upper Peace River component. The component shall be  
231 implemented by investigating the feasibility of using an off-  
232 stream reservoir that may include the storage of water on



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233 private lands to capture water from the Peace River during high-  
234 flow periods for use as a public water supply. If it is  
235 determined that the most feasible location of an off-stream  
236 reservoir is outside Polk County, the district shall promote  
237 Polk County's participation in the development and use of such  
238 reservoir so long as such development and use satisfies all  
239 requirements of this chapter and the rules of the district.

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

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

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

261 Section 2. Subsections (9) and (10) of section 403.087,

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262 Florida Statutes, are redesignated as subsections (10) and (11),  
263 respectively, and a new subsection (9) is added to that section,  
264 to read:

265 403.087 Permits; general issuance; denial; revocation;  
266 prohibition; penalty.-

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

275 Section 3. This act shall take effect July 1, 2009.