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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; providing for the Southwest Florida Water
22 Management District to include specified criteria
23 concerning implementation of the plan, regional
24 conditions, and the use of funds in specified annual
25 reports; requiring that the Southwest Florida Water
26 Management District develop and submit a plan to the
27 Legislature; providing for approval of the plan;
28 repealing s. 23, ch. 2008-150, Laws of Florida,
29 relating to a provision prohibiting the Department of

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30 Environmental Protection from issuing a permit for
31 certain Class I landfills; providing an effective
32 date.

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

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

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

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

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

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

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

58 (e) "West-Central Florida Water Restoration Action Plan"

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59 means the district's regional environmental restoration and
60 water-resource sustainability program for the Southern Water Use
61 Caution Area.

62 (2) The Legislature finds that:

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

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

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

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

87 (e) Sufficient research has been conducted and sufficient

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88 plans developed to immediately expand and accelerate programs to
89 sustain the water resources and related natural systems in the
90 Southern Water Use Caution Area.

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

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

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

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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
122 of surface waters, natural water flows, and freshwater wetland
123 communities. This initiative is designed to allow limits on
124 groundwater withdrawals in order to slow the rate of saltwater
125 intrusion. The initiative shall be an ongoing program in
126 cooperation with the Peace River-Manasota Regional Water Supply
127 Authority created under s. 373.1962.

128 (b) The Facilitating Agricultural Resource Management
129 Systems Initiative. The purpose of this initiative is to
130 expedite the implementation of production-scale, best management
131 practices in the agricultural sector, which will result in
132 reductions in groundwater withdrawals and improvements in water
133 quality, water resources, and ecology. The initiative is a cost-
134 share reimbursement program to provide funding incentives to
135 agricultural landowners for the implementation of best
136 management practices. The initiative shall be implemented by the
137 district in cooperation with the Department of Agriculture and
138 Consumer Services. Cooperative funding programs approved by the
139 governing board shall not be subject to the rulemaking
140 requirements of chapter 120. However, any portion of an approved
141 program which affects the substantial interests of a party shall
142 be subject to s. 120.569.

143 (c) The Ridge Lakes Restoration Initiative. The purpose of
144 this initiative is to protect, restore, and enhance natural
145 systems and flood protection by improving and protecting the

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146 water quality of approximately 130 lakes located along the Lake
147 Wales Ridge in Polk and Highlands Counties, which quality is
148 threatened by stormwater runoff, wastewater effluent, fertilizer
149 applications, groundwater pollution, degradation of shoreline
150 habitats, and hydrologic alterations. This initiative shall be
151 accomplished through the construction of systems designed to
152 treat the stormwater runoff that threatens the water quality of
153 such lakes. Such systems include swales, retention basins, and
154 long infiltration basins, if feasible.

155 (d) The Upper Peace River Watershed Restoration Initiative.
156 The purpose of this initiative is to improve the quality of
157 waters and ecosystems in the watershed of the Upper Peace River
158 by recharging aquifers, restoring the flow of surface waters,
159 and restoring the capacity of natural systems to store surface
160 waters. The Legislature finds that such improvements are
161 necessary because the quantity and quality of the fresh water
162 that flows to the basin of the Peace River and Charlotte Harbor
163 are adversely affected by the significant alteration and
164 degradation of the watershed of the Upper Peace River and
165 because restoration of the watershed of the Upper Peace River is
166 a critical component of the Charlotte Harbor National Estuary
167 Program's Comprehensive Conservation and Management Plan, the
168 Southwest Florida Water Management District's Surface Water
169 Improvement and Management Plan, and the Southern Water Use
170 Caution Area Recovery Strategy. This initiative shall include an
171 Upper Peace River Component. In addition to the initiative's
172 other purposes, this component will provide a critical link to a
173 major greenway that extends from the lower southwest coast of
174 this state through the watershed of the Peace River and the

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175 Green Swamp and further north to the Ocala National Forest.

176 (e) The Central Florida Water Resource Development
177 Initiative. The purpose of this initiative is to create and
178 implement a long-term plan that takes a comprehensive approach
179 to limit ground water withdrawals in the Southern Water Use
180 Caution Area and to identify and develop alternative water
181 supplies for Polk County. The project components developed
182 pursuant to this initiative are eligible for state and regional
183 funding under s. 373.196 as an alternative water supply, as
184 defined in s. 373.019, or as a supplemental water supply under
185 the rules of the Southwest Florida Water Management District or
186 the South Florida Water Management District. The initiative
187 shall be implemented by the district as an ongoing program in
188 cooperation with Polk County and the South Florida Water
189 Management District.

190 (5) As part of the consolidated annual report required
191 pursuant s. 373.036(7), the district may include:

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

195 (b) An annual accounting of the expenditure of funds. The
196 accounting must, at a minimum, provide details of expenditures
197 separately by plan component and any subparts of a plan
198 component, and include specific information about amount and use
199 of funds from federal, state, and local government sources. In
200 detailing the use of these funds, the district shall indicate
201 those funds that are designated to meet requirements for
202 matching funds.

203 (6) The district shall submit the West-Central Florida

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204 Water Restoration Action Plan developed pursuant to subsection
205 (4) to the President of the Senate and the Speaker of the House
206 of Representatives prior to the 2010 regular legislative session
207 for review. If the Legislature takes no action on the plan
208 during the 2010 regular legislative session, the plan shall be
209 deemed approved.

210 Section 2. Section 23 of chapter 2008-150, Laws of Florida,
211 is repealed.

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