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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:

35  
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.