

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 requiring the Southwest Florida Water Management
6 District to implement the West-Central Florida Water
7 Restoration Action Plan; providing criteria governing
8 the implementation of the plan; requiring that the
9 district coordinate with regional water supply
10 authorities and governmental partners to maximize
11 opportunities concerning the efficient expenditure of
12 public funds; specifying the plan's purpose; specifying
13 the initiatives that are included in the plan; providing
14 criteria governing implementation of the Central West
15 Coast Surface Water Enhancement Initiative, the
16 Facilitating Agricultural Resource Management Systems
17 Initiative, the Ridge Lakes Restoration Initiative, the
18 Upper Peace River Watershed Restoration Initiative, and
19 the Central Florida Water Resource Development
20 Initiative and certain components or projects included
21 in such initiatives; providing for the Southwest Florida
22 Water 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 and implementation
28 of the plan; providing an effective date.

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

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

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

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

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

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

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

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

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

HB 933

2009

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

60 (2) The Legislature finds that:

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

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

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

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

HB 933

2009

85 (e) Sufficient research has been conducted and sufficient
86 plans developed to immediately expand and accelerate programs to
87 sustain the water resources and related natural systems in the
88 Southern Water Use Caution Area.

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

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

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

103 (3) The district shall implement the West-Central Florida
104 Water Restoration Action Plan in a manner that furthers
105 progressive strategies for the management of water resources, is
106 watershed-based, provides for consideration of water quality
107 issues, and includes monitoring, the development and
108 implementation of best management practices, and structural and
109 nonstructural projects, including public works projects. The
110 district shall coordinate its implementation of the plan with
111 regional water supply authorities, public and private
112 partnerships, and local, state, and federal partners in order to

113 maximize opportunities for the most efficient and timely
114 expenditures of public funds.

115 (4) The West-Central Florida Water Restoration Action Plan
116 includes:

117 (a) The Central West Coast Surface Water Enhancement
118 Initiative. The purpose of this initiative is to make additional
119 surface waters available for public supply through restoration
120 of surface waters, natural water flows, and freshwater wetland
121 communities. This initiative is designed to allow limits on
122 groundwater withdrawals in order to slow the rate of saltwater
123 intrusion. The initiative shall be an ongoing program in
124 cooperation with the Peace River-Manasota Regional Water Supply
125 Authority created under s. 373.1962.

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

141 (c) The Ridge Lakes Restoration Initiative. The purpose of
142 this initiative is to protect, restore, and enhance natural
143 systems and flood protection by improving and protecting the
144 water quality of approximately 130 lakes located along the Lake
145 Wales Ridge in Polk and Highlands Counties, which quality is
146 threatened by stormwater runoff, wastewater effluent, fertilizer
147 applications, groundwater pollution, degradation of shoreline
148 habitats, and hydrologic alterations. This initiative shall be
149 accomplished through the construction of systems designed to
150 treat the stormwater runoff that threatens the water quality of
151 such lakes. Such systems include swales, retention basins, and
152 long infiltration basins, if feasible.

153 (d) The Upper Peace River Watershed Restoration
154 Initiative. The purpose of this initiative is to improve the
155 quality of waters and ecosystems in the watershed of the Upper
156 Peace River by recharging aquifers, restoring the flow of
157 surface waters, and restoring the capacity of natural systems to
158 store surface waters. The Legislature finds that such
159 improvements are necessary because the quantity and quality of
160 the fresh water that flows to the basin of the Peace River and
161 Charlotte Harbor are adversely affected by the significant
162 alteration and degradation of the watershed of the Upper Peace
163 River and because restoration of the watershed of the Upper
164 Peace River is a critical component of the Charlotte Harbor
165 National Estuary Program's Comprehensive Conservation and
166 Management Plan, the Southwest Florida Water Management
167 District's Surface Water Improvement and Management Plan, and
168 the Southern Water Use Caution Area Recovery Strategy. This

HB 933

2009

169 initiative shall include an Upper Peace River Component. In
170 addition to the initiative's other purposes, this component will
171 provide a critical link to a major greenway that extends from
172 the lower southwest coast of this state through the watershed of
173 the Peace River and the Green Swamp and further north to the
174 Ocala National Forest.

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

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

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

194 (b) An annual accounting of the expenditure of funds. The
195 accounting must, at a minimum, provide details of expenditures
196 separately by plan component and any subparts of a plan

HB 933

2009

197 component, and include specific information about amount and use
198 of funds from federal, state, and local government sources. In
199 detailing the use of these funds, the district shall indicate
200 those funds that are designated to meet requirements for
201 matching funds.

202 (6) The district shall submit the West-Central Florida
203 Water Restoration Action Plan developed pursuant to subsection
204 (4) to the President of the Senate and the Speaker of the House
205 of Representatives prior to the 2010 regular legislative session
206 for review. If the Legislature takes no action on the plan
207 during the 2010 regular legislative session, the plan shall be
208 deemed approved and may be implemented.

209 Section 2. This act shall take effect July 1, 2009.