

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 of the plan;  
28          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"

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.

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

112       (4) The West-Central Florida Water Restoration Action Plan  
113 includes:

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

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

138       (c) The Ridge Lakes Restoration Initiative. The purpose of  
139 this initiative is to protect, restore, and enhance natural

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

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

168 provide a critical link to a major greenway that extends from  
 169 the lower southwest coast of this state through the watershed of  
 170 the Peace River and the Green Swamp and further north to the  
 171 Ocala National Forest.

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

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

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

191 (b) An annual accounting of the expenditure of funds. The  
 192 accounting must, at a minimum, provide details of expenditures  
 193 separately by plan component and any subparts of a plan  
 194 component, and include specific information about amount and use  
 195 of funds from federal, state, and local government sources. In

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196 detailing the use of these funds, the district shall indicate  
197 those funds that are designated to meet requirements for  
198 matching funds.

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

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