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What they think

Where Did Our Water Go? Give the law a chance

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What will Florida's water future look like? Will we yield to pressures to support unsustainable consumption and growth? Or, will we protect our waters for current and future needs?

Florida is one of the wettest states in the nation -- enjoying an average annual rainfall of more than 50 inches -- but we are facing imminent water shortages in some regions. How can that be?

Florida was once one of the swampiest states in the country -- expending vast amounts of effort and money on drainage projects -- but we are now struggling to restore the Everglades, our springs and other aquatic resources. How can that be?

Florida sits atop one of the most productive aquifers in the world -- the Floridan Aquifer, which extends for about 100,000 square miles beneath Florida and neighboring states. Altogether, it is estimated that more than a quadrillion gallons of fresh groundwater percolates below Florida -- more than beneath any other state. But utilities in Central Florida are running short of available groundwater. How can that be?

In fact, Central Florida utilities have looked northward to the St. Johns and Ocklawaha Rivers, proposing to divert more than 200 million gallons per day at an estimated cost of \$800 million to \$1.2 billion. The plans triggered a firestorm of criticism.

The primary causes of our water woes can be stated simply: over-consumption, over-drainage and unsustainable growth.

But first let's consider something that is not the source of the problem: Florida's water law.

The Florida Water Resources Act of 1972 has been widely recognized as one of the most comprehensive and progressive water-regulatory systems in the nation. The statute draws upon a model water code drafted by professors from the University of Florida Levin College of Law.

But when we begin to look carefully at Florida's water future, will we blink? Will we give our water law, enacted only 30 years ago, opportunity to work? Or will we cave in to political pressure and to an endless push for unsustainable development?

We offer the following suggestions:

We can plan to build statewide infrastructure capable of moving water across county and watershed lines to accommodate endless growth. Or, we can focus our efforts on conservation, the most-efficient method of meeting our needs. Sarasota County has reduced its per-capita usage to about 96 gallons per day, almost 40 percent below Florida's statewide average of 158 gallons.

We can continue to issue new water permits, even in places where the water resources cannot tolerate more stress, hoping that our permit conditions will minimize harm. Or, we can learn to say "no" when appropriate. The South Florida Water Management District did just that last year, denying water-use permits to St. Cloud and Orange County to withdraw surface water from the Kissimmee River.

We can continue to over-drain the landscape. Or, we can maintain and restore natural storage areas, including flood plains, wetlands and surficial aquifers.

We can continue to hope that a "free market" in water rights will solve Florida's water problems, even though it has never worked well in other states. We can continue to look the other way while water permits are traded in some parts of the state, or we can address the issue head-on.

Will we blink?

On Thursday and Friday, we will have an important opportunity to face the future with our eyes wide open. On those days, more than 100 of the state's water leaders will meet under the auspices of the Century Commission, a strategic-planning commission appointed by the governor to help outline Florida's future growth and development. Their goal will be to develop a comprehensive set of sustainable water use and supply "action steps."

As members of the current generation of law professors from the University of Florida, we will join in this discussion. As we step into the very large shoes of our predecessors, we offer what we hope are common-sense, workable solutions to Florida's water challenges.

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