

Senate Committee on Environmental Preservation and Conservation
Summary of CS/CS/SB 392 — Watershed Restoration

The bill amends provisions related to the uses of the Save Our Everglades Trust Fund and the Lake Okeechobee Protection Program. In addition, new watershed restoration programs are established for the St. Lucie and Caloosahatchee Rivers.

Lake Okeechobee Protection Program

The bill renames this section the “Northern Everglades and Estuaries Protection Program.” In addition, the Lake Okeechobee Protection Program and Lake Okeechobee Research and Water Quality Monitoring Program are renamed to include the term “watershed.” Additional changes to the Lake Okeechobee Research and Water Quality Monitoring Program include requirements that re-evaluations occur every three years and that a water volumes and timing assessment be done.

The bill provides that the Phase II technical plan, substantially expanded and modified by this legislation, be submitted to Legislature prior to the 2008 Regular Session. Should the Legislature take no action the plan will be deemed approved.

Caloosahatchee and St. Lucie River Watershed Protection Program

The bill creates these two new protection programs that are comprised of a series of program components and requirements. Though individual protection programs are created for each river watershed, the requirements are duplicative.

River Watershed Protection Plans

The South Florida Water Management District, in cooperation with other agencies, Lee County (Caloosahatchee River), Martin County (St. Lucie River), and other affected counties and municipalities, is directed to complete, by January 1, 2009, the River Watershed Protection Plans. The DEP and the South Florida Water Management District are designated as the parties responsible for implementing the plans. These entities shall jointly develop the annual funding priorities and the highest priorities shall be assigned to those projects with the greatest potential for achieving the goals and objectives of the plans. In addition, these entities shall establish priorities and an implementation schedule for the achievement of total maximum daily loads (TMDLs).

The bill provides that the protection plans be submitted to Legislature prior to the 2008 Regular Session. Should the Legislature take no action, the plan will be deemed approved. By March 1, 2012, and every three years thereafter, the protection plans shall be evaluated. Each plan shall include a “River Watershed Construction Project,” which shall be designed to improve the hydrology, water quality, and habitats of the watersheds. The South Florida Water Management District shall, by January 1, 2012, plan, design, and construct the initial phases of the construction project.

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Watershed Pollutant Control Program

These programs are created and designed to provide for a multifaceted approach to managing the pollutant sources within the watersheds. They are to be implemented through regulations, the use of best management practices, and utilization of alternative technologies. The coordinating agencies are directed to facilitate the use of federal programs that offer opportunities for water quality treatment, including those designed to preserve, restore, or create wetlands on agricultural lands.

Watershed Research and Water Quality Monitoring Program

The South Florida Water Management District, in cooperation with affected local governments and other parties, must establish a program that builds upon existing research and will ensure that adequate data is generated to determine the effectiveness of the projects created by the programs. An additional provision created in the bill directs the DEP to expedite the development and implementation of TMDLs for the Caloosahatchee River and estuary. These TMDLs are to be proposed for final agency action no later than December 31, 2008. Upon adoption of the TMDLs, the DEP shall initiate development of the basin management action plans. The South Florida Water Management District is directed to include the following additional information in their annual report:

- A summary of the water quality and habitat conditions in the newly defined watersheds.
- The status of the watershed construction programs.
- A detailed accounting of the expenditure of funds from the Save Our Everglades Trust Fund. At a minimum, this accounting shall detail the amount and use of funds from all sources and an indication of what funds were designated to meet matching fund requirements.

Save Our Everglades Trust Fund

The bill amends existing statutory provisions to extend the trust fund through FY 2019-2020 and allow for the deposit into and the expenditure of funds from this trust fund, for the purposes of implementing the Caloosahatchee River and St. Lucie River Watershed Protection Plans.

The bill also creates a provision that ties the release of funds to the submission by the South Florida Water Management District to the DEP of an annual work plan for the protection projects. Finally, the bill extends the South Florida Water Management District's match requirements for the life of the trust fund; allows funds to be distributed for implementation of the River Watershed Protection Plans including a local match requirement for Lee and Martin counties; and allows funds to be distributed to the Department of Agriculture and Consumer Services for implementation of agricultural nonpoint source controls. If approved by the Governor, these provisions take effect July 1, 2007.