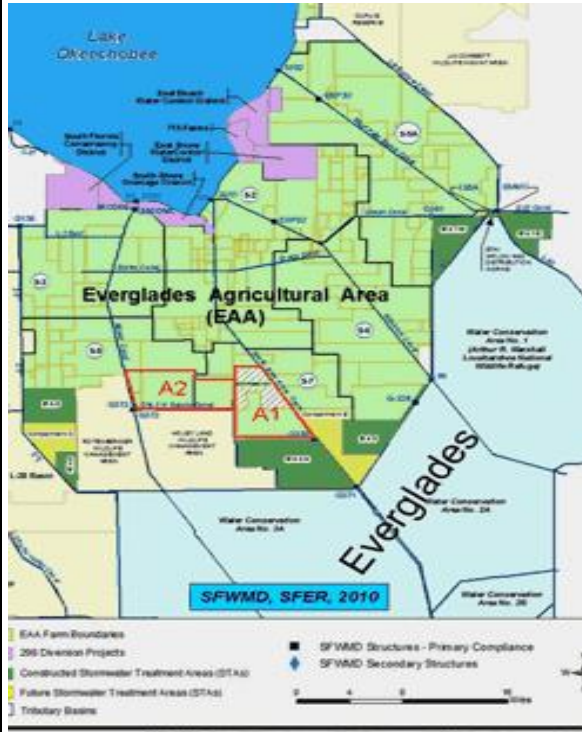


The Everglades Forever Act, Sec. 373.4592, Florida Statutes

Statutory Summary. The Everglades Forever Act (EFA) provides a long-term plan to initiate restoration of the Everglades watershed. The statute relies on a combination of public works projects, agricultural best management practices, and environmental permitting requirements to achieve a reduction in concentrations and loads of phosphorus flowing into the Everglades ecosystem. The law also established a goal of compliance with water quality standards, including a 10 parts per billion criteria for marsh phosphorus, by 2015 and addressed other regional challenges like exotic species, land management and conservation and funding for restoration.

Key participants. The U.S. Army Corps of Engineers built the Central and South Florida Flood Control Project, operated by the *South Florida Water Management District* (SFWMD) as the local sponsor. *Sugar growers* own most of the lands in the Everglades agricultural area. Affected U.S. government properties include the Loxahatchee National Wildlife Refuge (north) and Everglades National Park (south). *Seminole* and *Miccosukee* Tribes own lands and reservations in the Everglades. In addition, *nonprofit entities* have been active participants, litigants and environmental advocates in Everglades issues.

Why the law was passed. Beginning in the late 1800s, the State of Florida sought to expand agriculture and land uses by constructing dams, dikes and levees for flood control and drainage. Over time the Everglades – a slow moving river of grass – became compartmentalized. In the 1920s and 1930s, Lake Okeechobee was surrounded by a dike. In



the 1950s, a levee separated the Everglades from the developed East coast. In the 1960s, the Kissimmee River was channelized. In 1988, a federal prosecutor sued the state of Florida – without obtaining the usual presidential permission! The Everglades Forever Act codifies the major principles of the settlement. Policy in the Everglades has routinely been shaped by state and federal litigation and legislation.

Controversial issue. Recently, funding provisions of the EFA have been especially controversial. When the statute was passed in 1994, it included an agricultural privilege tax, requiring landowners in the watershed basin north of the Everglades to pay a per-acre tax as their contribution towards the public works projects. Taxpayers in 16 Florida counties paid an additional 1/10 millage point in taxes towards the Everglades restoration. Those taxes were planned to be phased out, but years later, new public works projects were found to be necessary to achieve the original 10 ppb phosphorus water quality criteria. In 2013, after much debate, the Florida Legislature unanimously passed a new tax, of \$15 to \$25 per acre, running through 2035.

Other uncertainties. The effectiveness of existing on-farm best management practices (BMPs), the likely benefits of additional BMPs, and the potential economic consequences for the farmers have also been increasingly debated. Although the state constitution requires polluters in the Everglades Agricultural Area to pay the costs of their own pollution, proportional allocation of tax burdens requires information on the amount of pollution for which individual farmers are responsible, compared to upstream or legacy pollution. In April 2013, an administrative law judge rejected SFWMD's position that permitted discharges from agricultural lands were not causing or contributing to pollution, and suggested that a consent decree or individual on-farm regulation of phosphorus may be necessary.



Stormwater Treatment Area 1-West is one of the public works projects providing water quality treatment for the Everglades (dark green on map) built by SFWMD, and permitted by the Florida Department and U.S. Environmental Protection Agency.