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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2010	.	
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	.	

The Committee on Agriculture (Aronberg) recommended the following:

Senate Amendment (with title amendment)

Between lines 55 and 56
insert:

Section 3. Subsections (4) and (9) of section 369.20,
Florida Statutes, are amended to read:

369.20 Florida Aquatic Weed Control Act.—

(4) The commission shall also promote, develop, and support
research activities directed toward the more effective and
efficient control of aquatic plants. In the furtherance of this
purpose, the commission may ~~is authorized to~~:

(a) Accept donations and grants of funds and services from



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13 both public and private sources;

14 (b) Contract or enter into agreements with public or
15 private agencies or corporations for research and development of
16 aquatic plant control methods or for the performance of aquatic
17 plant control activities. The commission may enter into an
18 agreement with the Department of Environmental Protection to
19 ensure the uniform regulation of pesticides applied to the
20 waters of the state, including provision for coordinating agency
21 staff and resources, through the implementation of permitting,
22 compliance, and enforcement activities under ss. 403.088 and
23 403.0885;

24 (c) Construct, acquire, operate, and maintain facilities
25 and equipment; and

26 (d) Enter upon, or authorize the entry upon, private
27 property for purposes of making surveys and examinations and to
28 engage in aquatic plant control activities; and such entry shall
29 not be deemed a trespass.

30 (9) ~~A permit issued pursuant to this section for~~ The
31 application of herbicides to waters of in the state for the
32 control of aquatic plants, algae, or invasive exotic plants is
33 exempt from the requirement to obtain a water pollution
34 operation permit except as provided in ss. pursuant to s.
35 403.088 and 403.0885.

36 Section 4. Subsection (1) of section 403.088, Florida
37 Statutes, is amended to read:

38 403.088 Water pollution operation permits; conditions.—

39 (1) ~~No person,~~ Without the written authorization of the
40 department, a person may not shall discharge any waste into the
41 waters of within the state ~~any waste~~ which, by itself or in



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42 combination with the wastes of other sources, reduces the
43 quality of the receiving waters below the classification
44 established for such waters ~~them~~. However, this section does
45 ~~shall not be deemed to~~ prohibit the application of pesticides to
46 such waters in the state for the control of insects, aquatic
47 weeds, ~~or~~ algae, or other pests if provided the application is
48 performed in accordance with any of the following:

49 (a) Upon execution of the agreement provided in s.
50 487.163(3), the department may develop a permit or other
51 authorization as required by 33 U.S.C. s. 1342 for the
52 application of pesticides. A person must obtain such permit or
53 other authorization before applying pesticides to the waters of
54 the state.

55 (b) In consultation with the Department of Agriculture and
56 Consumer Services and the Fish and Wildlife Conservation
57 Commission, the department shall also develop a general permit
58 under s. 403.0885(2), for the application of pesticides.

59 (c) The department shall also enter into agreements with
60 the Department of Agriculture and Consumer Services pursuant to
61 a program approved by the Department of Health, in the case of
62 insect or other pest control, and with ~~or~~ the Fish and Wildlife
63 Conservation Commission, in the case of aquatic weed, other
64 aquatic pests, or algae control. ~~The department is directed to~~
65 ~~enter into interagency agreements to establish the procedures~~
66 ~~for program approval.~~ Such agreements must shall provide for
67 public health, welfare, and safety, as well as environmental
68 factors, and must ensure the uniform regulation of pesticides
69 applied to waters of the state, including provisions for the
70 coordination of agency staff and resources, through the



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71 implementation of permitting, compliance, and enforcement
72 activities under this section and s. 403.0885. Pesticides that
73 are ~~Approved programs must provide that only chemicals~~ approved
74 for a ~~the~~ particular use by the United States Environmental
75 Protection Agency or by the Department of Agriculture and
76 Consumer Services ~~may be employed and that they be~~ applied in
77 accordance with registered label instructions, state standards
78 for such application, including any permit or other
79 authorization required by this subsection, and ~~the provisions of~~
80 the Florida Pesticide Law, part I of chapter 487, are not
81 subject to the acute toxicity provisions of chapters 62-302 and
82 62-500, Florida Administrative Code.

83 Section 5. Subsection (3) is added to section 487.163,
84 Florida Statutes, to read:

85 487.163 Information; interagency cooperation.—

86 (3) The department shall enter into an agreement with the
87 Department of Environmental Protection to ensure the uniform
88 regulation of pesticides applied to waters of the state,
89 including provisions for the coordination of agency staff and
90 resources, through the implementation of permitting, compliance,
91 and enforcement activities under ss. 403.088 and 403.0885.

92
93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete line 5

96 and insert:

97 for sale; providing for retroactivity; amending s.
98 369.20, F.S.; requiring the Fish and Wildlife
99 Conservation Commission to enter into an agreement



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100 with the Department of Environmental Protection
101 relating to the uniform application of pesticides to
102 the waters of the state; revising exemptions from
103 water pollution permits; amending s. 403.088, F.S.;
104 providing permits for applying pesticides to the
105 waters of the state; requiring the Department of
106 Environmental Protection to enter into agreements with
107 the Department of Agriculture and Consumer Services
108 and the Fish and Wildlife Conservation Commission
109 relating to the uniform application of pesticides to
110 the waters of the state; exempting certain pesticides
111 from acute toxicity provisions provided by rule;
112 amending s. 487.163, F.S.; requiring the Department of
113 Agriculture and Consumer Services to enter into an
114 agreement with the Department of Environmental
115 Protection relating to the uniform application of
116 pesticides to the waters of the state; amending s.