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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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The Committee on General Government Appropriations (Dean)
recommended the following:

1 **Senate Substitute for Amendment (967184) (with title**
2 **amendment)**

3
4 Between lines 78 and 79
5 insert:

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

8 369.20 Florida Aquatic Weed Control Act.—

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



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13 (a) Accept donations and grants of funds and services from
14 both public and private sources;

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

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 waters of the
54 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 provision 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 allowed a
81 temporary deviation from the acute toxicity provisions of the
82 department's water quality rule not to exceed the time necessary
83 to control the target pests and only if the application does not
84 reduce the quality of the receiving waters below the
85 classification for such waters and is not likely to adversely
86 affect any threatened or endangered species.

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

89 487.163 Information; interagency cooperation.-

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

96
97 ===== T I T L E A M E N D M E N T =====

98 And the title is amended as follows:

99 Delete line 9



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100 and insert:
101 purposes; amending s. 369.20, F.S.; revising
102 provisions of the Florida Aquatic Weed Control Act;
103 authorizing the Fish and Wildlife Conservation
104 Commission to enter into an agreement with the
105 Department of Environmental Protection to ensure the
106 uniform regulation of pesticides applied to waters of
107 the state; amending s. 403.088, F.S.; revising
108 provisions relating to water pollution operation
109 permits; providing requirements for the application of
110 pesticides to the waters of the state; amending s.
111 487.163, F.S.; requiring that the Department of
112 Agriculture and Consumer Services enter into an
113 agreement with the Department of Environmental
114 Protection to ensure the uniform regulation of
115 pesticides; amending s. 573.112, F.S.; requiring that