

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Boyd offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 31 and 32, insert:

5 Section 2. Subsections (4) and (9) of section 369.20,  
6 Florida Statutes, are amended to read:

7 369.20 Florida Aquatic Weed Control Act.—

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

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

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16 aquatic plant control methods or for the performance of aquatic  
17 plant control activities;

18 (c) Enter into an agreement with the Department of  
19 Environmental Protection to ensure the uniform regulation of  
20 pesticides applied to the waters of the state, including  
21 provisions for coordinating agency staff and resources, through  
22 the implementation of permitting, compliance, and enforcement  
23 activities under ss. 403.088 and 403.0885;

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

26 (e)(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 3. 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  
42 combination with the wastes of other sources, reduces the  
43 quality of the receiving waters below the classification  
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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 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 pest, 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 the waters of the state, including provisions for the  
70 coordination of agency staff and resources, through the  
71 implementation of permitting, compliance, and enforcement

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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 4. 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 the waters of the state,  
93 including provisions 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.

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99 **T I T L E A M E N D M E N T**

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100 Remove the entire title and insert:  
101                                   A bill to be entitled  
102 An act relating to water protection; amending s. 373.1961,  
103 F.S.; revising requirements for the expenditure of funds  
104 provided pursuant to the Water Protection and  
105 Sustainability Program; specifying authority for the  
106 Northwest Florida Water Management District and the  
107 Suwannee River Water Management District to use such funds  
108 for additional purposes; amending s. 369.20, F.S.;  
109 authorizing the Fish and Wildlife Conservation Commission  
110 to enter into an agreement with the Department of  
111 Environmental Protection relating to the uniform  
112 application of pesticides to the waters of the state;  
113 revising exemptions from water pollution permits; amending  
114 s. 403.088, F.S.; providing permits for applying  
115 pesticides to the waters of the state; requiring the  
116 Department of Environmental Protection to enter into  
117 agreements with the Department of Agriculture and Consumer  
118 Services and the Fish and Wildlife Conservation Commission  
119 relating to the uniform application of pesticides to the  
120 waters of the state; providing for a temporary deviation  
121 from acute toxicity provisions under certain conditions;  
122 amending s. 487.163, F.S.; requiring the Department of  
123 Agriculture and Consumer Services to enter into an  
124 agreement with the Department of Environmental Protection  
125 relating to the uniform application of pesticides to the  
126 waters of the state; providing an effective date.

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