

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1291 (2022)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative McClure offered the following:

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

5 Remove lines 207-295 and insert:

6 submit an annual report to the Governor, the President of the
7 Senate, and the Speaker of the House of Representatives by June
8 30 of each year, beginning in 2023.

9 (5) WAIVER OF LIABILITY.—Notwithstanding any other
10 ~~provision of~~ law, the Department of Environmental Protection may
11 ~~not is not authorized to~~ institute proceedings against any
12 person or the Federal Government under ~~the provisions of s.~~
13 376.307(5) to recover any costs or damages associated with
14 nitrogen or phosphorus contamination of groundwater or surface
15 water, or the evaluation, assessment, or remediation of such
16 contamination of groundwater or surface water, including

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17 | sampling, analysis, and restoration of potable water supplies,
18 | where the contamination of groundwater or surface water is
19 | determined to be the result of the application of fertilizers or
20 | other soil-applied nutritional materials containing nitrogen or
21 | phosphorus, provided the property owner or leaseholder:

22 | (a)1. Provides the department with a notice of intent to
23 | implement applicable interim measures, best management
24 | practices, or other measures adopted by the department which
25 | ~~practices or measures~~ have been verified by the Department of
26 | Environmental Protection to be effective; and

27 | 2. Implements applicable interim measures, best management
28 | practices, or other measures as soon as practicable according to
29 | rules adopted by the department or no longer applies fertilizers
30 | or other soil-applied nutritional materials containing nitrogen
31 | or phosphorus; or

32 | (b) No longer applies fertilizers or other soil-applied
33 | nutritional materials containing nitrogen or phosphorus ~~as of~~
34 | ~~the effective date of this section.~~

35 | (6)~~(5)~~ COMPLIANCE.—If the property owner or leaseholder
36 | implements interim measures, best management practices, or other
37 | measures adopted by the department which ~~practices or measures~~
38 | have been verified by the Department of Environmental Protection
39 | to be effective, and complies with the following, there is a
40 | presumption of compliance with state water quality standards for
41 | such criteria under this section and s. 403.067(7)(c) with

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42 respect to the application of fertilizers or other soil-applied
43 nutritional materials containing nitrogen or phosphorus:

44 (a)1. Provides the department with a notice of intent to
45 implement applicable interim measures, best management
46 practices, or other measures adopted by the department; and

47 2. Implements applicable interim measures, best management
48 practices, or other measures as soon as practicable according to
49 rules adopted by the department or no longer applies fertilizers
50 or other soil-applied nutritional materials containing nitrogen
51 or phosphorus; or

52 (b) No longer applies fertilizers or other soil-applied
53 nutritional materials containing nitrogen or phosphorus ~~as of~~
54 ~~the effective date of this section.~~

55 ~~(7)(6)~~ RULEMAKING.—The department, in consultation with
56 the Department of Environmental Protection, the Department of
57 Health, the water management districts, environmental groups,
58 the fertilizer industry, and representatives from the affected
59 farming groups, shall adopt rules to:

60 (a) Specify the requirements of interim measures, best
61 management practices, or other measures to be implemented by
62 property owners and leaseholders.

63 (b) Establish procedures for property owners and
64 leaseholders to submit the notice of intent to implement and
65 comply with interim measures, best management practices, or
66 other measures.

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67 (c) Establish schedules for implementation of interim
68 measures, best management practices, or other measures.

69 (d) Establish a system to assure the implementation of
70 best management practices, including recordkeeping requirements.

71 ~~(8)-(7)~~ OTHER PROVISIONS.—

72 (a) This section does not limit the authority of the
73 Department of Environmental Protection to regulate discharges
74 associated with the commercial feeding of livestock and poultry
75 defined in chapter 585, including that of dairy farm and egg
76 production operations, or the disposal of sludge, residuals, or
77 septage. This paragraph does not grant additional authority to
78 regulate these discharges.

79 (b) This section does not limit federally delegated
80 regulatory authority.

81 (c) The Department of Environmental Protection may adopt
82 rules to establish criteria for dairy farms which provide
83 reasonable assurance that state nitrate groundwater quality
84 standards will not be violated and which, provided such criteria
85 are met, shall prohibit the Department of Environmental
86 Protection from instituting proceedings against any dairy farmer
87 under ~~the provisions of~~ s. 376.307(5) and shall provide a
88 presumption of compliance with safe nitrate groundwater quality
89 standards.

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90 (d) This section, except for subsection (2), does not
91 apply to the manufacture, mixing, or blending of fertilizer,
92 including fertilizer containing sludge, residuals, or septage.

93 ~~(9)-(8)~~ EXPIRATION OF PROVISIONS.—Subsection (4) expires on
94 June 30, 2026. Subsections (1), (2), (3), (5) ~~(4)~~, and (7)

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96 -----
97 **T I T L E A M E N D M E N T**

98 Remove line 25 and insert:

99 recommendations, and submit an annual report to the
100 Governor