



491584

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2010	.	
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The Committee on Health Regulation (Gardiner) recommended the following:

1 **Senate Substitute for Amendment (371426) (with title**
2 **amendment)**

3
4 Between lines 232 and 233
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 the
21 waters of the state, including provision for coordinating agency
22 staff and resources, through the implementation of permitting,
23 compliance, and enforcement activities under ss. 403.088 and
24 403.0885;

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

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

31 (9) ~~A permit issued pursuant to this section for~~ The
32 application of herbicides to waters of ~~in~~ the state for the
33 control of aquatic plants, algae, or invasive exotic plants is
34 exempt from the requirement to obtain a water pollution
35 operation permit except as provided in ss. ~~pursuant to s.~~
36 403.088 and 403.0885.

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

39 403.088 Water pollution operation permits; conditions.—

40 (1) ~~No person,~~ Without the written authorization of the
41 department, a person may not shall discharge any waste into the



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

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

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

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



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71 coordination of agency staff and resources, through the
72 implementation of permitting, compliance, and enforcement
73 activities under this section and s. 403.0885. Pesticides that
74 are ~~Approved programs~~ must provide that only chemicals approved
75 for a ~~the~~ particular use by the United States Environmental
76 Protection Agency or by the Department of Agriculture and
77 Consumer Services ~~may be employed and that they be~~ applied in
78 accordance with registered label instructions, state standards
79 for such application, including any permit or other
80 authorization required by this subsection, and ~~the provisions of~~
81 the Florida Pesticide Law, part I of chapter 487, are allowed a
82 temporary deviation from the acute toxicity provisions of the
83 department's water quality rule, not to exceed the time
84 necessary to control the target pests, only if the application
85 does not reduce the quality of the receiving waters below the
86 classification for such waters and is not likely to adversely
87 affect any threatened or endangered species.

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

90 487.163 Information; interagency cooperation.—

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

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

99 And the title is amended as follows:



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100 Delete line 6
101 and insert:
102 regarding the management of the land; amending s.
103 369.20, F.S.; requiring the Fish and Wildlife
104 Conservation Commission to enter into an agreement
105 with the Department of Environmental Protection
106 relating to the uniform application of pesticides to
107 the waters of the state; revising exemptions from
108 water pollution permits; amending s. 403.088, F.S.;
109 providing permits for applying pesticides to the
110 waters of the state; requiring the Department of
111 Environmental Protection to enter into agreements with
112 the Department of Agriculture and Consumer Services
113 and the Fish and Wildlife Conservation Commission
114 relating to the uniform application of pesticides to
115 the waters of the state; providing a temporary
116 deviation from the acute toxicity provisions provided
117 by rule for pesticide application under certain
118 circumstances; amending s. 487.163, F.S.; requiring
119 the Department of Agriculture and Consumer Services to
120 enter into an agreement with the Department of
121 Environmental Protection relating to the uniform
122 application of pesticides to the waters of the state;
123 amending s.