



114662

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2022	.	
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The Committee on Environment and Natural Resources (Albritton) recommended the following:

**Senate Amendment**

Delete lines 38 - 181

and insert:

Region Certified Crop Adviser Exam, who holds a 4R Nutrient Management Specialty certification, and whose credentials have been verified by the society's Florida Certified Crop Adviser Board.

(33) "Rate tailoring" means the application of nutrients in accordance with s. 576.045(4).



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11 Section 2. Section 576.045, Florida Statutes, is amended to  
12 read:

13 576.045 Nitrogen and phosphorus; findings and intent; fees;  
14 purpose; best management practices; waiver of liability;  
15 compliance; rules; exclusions; expiration.—

16 (1) FINDINGS AND INTENT.—

17 (a) The Legislature finds that:

18 1. Nitrogen and phosphorus residues have been found in  
19 groundwater, surface water, and drinking water in various areas  
20 throughout ~~this~~ the state at levels in excess of established  
21 water quality standards. The Legislature further finds that some  
22 fertilization-management practices could be a source of such  
23 contamination.

24 2. Nutrient application rate recommendations are general  
25 guidelines, not site-specific absolute rates, and that such  
26 rates may not take into account the latest methods of producing  
27 agricultural commodities or changes to nutrient application  
28 practices which are appropriate due to disease, new crop  
29 varieties, changes in United States Department of Agriculture  
30 Agricultural Marketing Service standards, growing techniques, or  
31 market conditions.

32 3. To gain efficiency and be able to compete successfully  
33 with foreign producers that benefit from lower costs of  
34 production and favorable trade conditions, many producers in  
35 this state grow more product per acre, resulting in higher  
36 production at lower overall costs. This high-efficiency crop  
37 production requires nutrient application to be based on the  
38 intensity of production on a per-acre basis, rather than the  
39 lower per-acre production on which past research based its



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40 recommended nutrient application rate.

41 4. Florida citrus faces challenges that include citrus  
42 greening, citrus canker, freezes, windstorms, and other events  
43 that result in the fruit not being harvested. In order to  
44 continue production of this state's iconic crop, nutrient  
45 application rates must reflect fruit grown on the tree after the  
46 bloom during the growing season and not fruit ultimately  
47 harvested for market delivery.

48 (b) It is the intent of the Legislature to:

49 1. Improve fertilization-management practices as soon as  
50 practicable in a way that protects ~~this~~ the state's water  
51 resources and preserves a viable agricultural industry. This  
52 goal is to be accomplished through research concerning best  
53 management practices and education and incentives for the  
54 agricultural industry and other major users of fertilizer.

55 2. Accommodate continued agricultural production without  
56 interruption as research to formally revise nutrient application  
57 rates is completed.

58 3. Authorize the use of rate tailoring in recommended  
59 nutrient application rates when rate tailoring is supported by  
60 written recommendations from a certified professional and  
61 documented using production and field data that is retained for  
62 review during the best management practices implementation  
63 verification process.

64 (2) FEES.—

65 (a) In addition to the fees imposed under ss. 576.021 and  
66 576.041, the following supplemental fees shall be collected and  
67 paid by licensees for the sole purpose of implementing this  
68 section:



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69           1. One hundred dollars for each license to distribute  
70 fertilizer.

71           2. One hundred dollars for each specialty fertilizer  
72 registration.

73           3. Fifty cents per ton for all fertilizer that contains  
74 nitrogen or phosphorus and that is sold in this state.

75           (b) All fees paid to the department under this section are  
76 due and payable at the same time and in the same manner as the  
77 fees specified in ss. 576.021 and 576.041 and are subject to all  
78 provisions contained in those sections.

79           (c) All fees paid under this section must be deposited into  
80 the General Inspection Trust Fund and are exempt from ~~the~~  
81 ~~provisions of~~ s. 215.20. These funds are to be appropriated  
82 annually to the department and allocated according to a  
83 memorandum of understanding between the department and the  
84 Department of Environmental Protection. The allocation of  
85 indirect costs to these funds by any state agency is  
86 specifically prohibited.

87           (3) USE OF FUNDS PURPOSE.—The funds collected pursuant to  
88 subsection (2) must be used by the department for:

89           (a) Research, development, demonstration, and  
90 implementation of suitable interim measures, best management  
91 practices, or other measures used to achieve state water quality  
92 standards for nitrogen and phosphorus criteria. Implementation  
93 of interim measures, best management practices, and other  
94 measures may include cost-sharing grants, technical assistance,  
95 implementation tracking, and conservation leases or other  
96 agreements for water quality improvement.

97           (b) Approving, adopting, publishing, and distributing



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98 interim measures, best management practices, or other measures.  
99 In the process of developing, approving, and adopting interim  
100 measures, best management practices, or other measures, the  
101 department shall consult with the Department of Environmental  
102 Protection, the Department of Health, the water management  
103 districts, environmental groups, the fertilizer industry, and  
104 representatives from the affected farming groups.

105 (c) Reimbursing the Department of Environmental Protection  
106 for costs incurred which are associated with:

107 1. Monitoring and verifying the effectiveness of the  
108 interim measures, best management practices, or other measures  
109 approved and adopted under subsection (7) ~~(6)~~ at representative  
110 sites. The Department of Environmental Protection shall use its  
111 best professional judgment in making the initial determination  
112 of the effectiveness of the interim measures, best management  
113 practices, or other measures.

114 2. Sampling, analysis, and restoration of potable water  
115 supplies, pursuant to s. 376.307, found to contain levels of  
116 nitrate in excess of state water quality standards, which excess  
117 is determined to be the result of the application of fertilizers  
118 or other soil-applied nutritional materials containing nitrogen.  
119

120 This subsection must be implemented through a memorandum of  
121 understanding between the department and the Department of  
122 Environmental Protection.

123 (4) RATE TAILORING.—The use of rate tailoring to  
124 recommended nutrient application rates is authorized where rate  
125 tailoring is supported by a certified professional.

126 (a) When recommended nutrient application rates published



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127 by the Institute of Food and Agricultural Sciences at the  
128 University of Florida or other state universities and Florida  
129 College System institutions that have agricultural research  
130 programs are not appropriate for a specific producer due to soil  
131 conditions, disease, crop varieties, subsequent crop rotations,  
132 planting density, market requirements, or site-specific  
133 conditions, written recommendations from a certified  
134 professional may be used to tailor the recommended nutrient  
135 application rates for that producer. The determination that the  
136 published nutrient application rates are not appropriate and the  
137 recommendation for the tailoring of nutrient application rates  
138 must be documented with one or more of the following records, as  
139 appropriate: soil tests, plant tissue tests, pathology reports,  
140 yield response curves, growth records, or site-specific  
141 conditions, together with records specifying the application  
142 rate, the types or forms of nutrients used, the nutrient sources  
143 used, and the placement and timing of the nutrient sources. A  
144 producer must retain the records for 5 years to support the use  
145 of rate tailoring.

146 (b) Producers using rate tailoring must be enrolled in and  
147 implementing all other best management practices adopted by the  
148 department and identified in the enrolled notice of intent  
149 required under subsections (5) and (6) or s. 403.067(7)(c).