

NOTICE OF PROPOSED RULE

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

RULE NO.:

5E-1.023

RULE TITLE:

Procedures for Landowners and Leaseholders to Submit a Notice
of Intent to Implement Nitrogen Best Management Practices
(BMPs)

PURPOSE AND EFFECT: The purpose and effect is to delete portions of the rule referring to container nursery interim measures, which are no longer necessary since a statewide rule (Rule 5M-6.001 et. seq., F.A.C.) has been adopted for container nursery growers.

SUMMARY: The Office of Agricultural water Policy (OAWP) requested that portions of this rule referring to container nursery interim measures be deleted since they are no longer necessary in light of the a statewide rule (Rule 5M-6.001 et. seq., F.A.C.) that has been adopted for container nursery growers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 570.07 (23), 403.067 (7) (c) 2, 576.045 (6) F.S.

LAW IMPLEMENTED: 403.067, 576.045 F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Bruce Nicely, Chief of Bureau of Compliance Monitoring; 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399 (850) 487-8731.

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.023 Procedures for Landowners and Leaseholders to Submit a Notice of Intent to Implement Nitrogen Best Management Practices (BMPs).

(1) - (4) (a) No change.

(b) Citrus. The document titled Nitrogen Best Management Practices (BMPs) for Florida Ridge Citrus dated 7-23-2002, and the associated recordkeeping requirements dated 7-23-2002 are hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301. ~~“Ridge Citrus” Growers currently enrolled in the Nitrogen Interim Measure for Florida Citrus must submit a Notice of Intent to Implement the Best Management Practices for Florida Ridge Citrus by January 1, 2003, to maintain eligibility for the “waiver of liability” from the recovery of costs or damages associated with nitrate contamination of groundwater, Section 576.045(4), F.S., and the “presumption of compliance” with state nitrate groundwater quality standards, Section 576.045(5), F.S. Effective January 1, 2003, the document titled Nitrogen Interim Measure for Florida Citrus under paragraph (5)(a) of this rule will be repealed for Ridge Citrus.~~

(5) Approved Nitrogen Interim Measures.

~~(a) Citrus. The Approved Nitrogen Interim Measure for Florida Citrus, dated 12-01-95, and the associated recordkeeping requirements dated 12-01-95 are hereby adopted and incorporated by~~

~~reference into this rule. Copies may be obtained from the Department. Effective January 1, 2003, the document titled Nitrogen Interim Measure for Florida Citrus, under paragraph (5)(a) of this rule will be repealed for “Ridge Citrus”.~~

~~(b)~~ (a) Bahiagrass and Bermuda Grass. The approved “Nitrogen Interim Measure for Bahiagrass and Bermuda Grass” dated 10-31-2000, and the associated recordkeeping requirements dated 10-31-2000 are hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301.

~~(c) Container Grown Plants. The document titled “Interim Measure for Florida Producers of Container Grown Plants”, dated 11-4-02 is hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301.~~

~~(d)~~ (b) Urban turf or lawns – The document titled “Best Management Practices for Protection of Water Resources in Florida, June 2002, Florida Green Industries” published by the Florida Department of Environmental Protection is hereby adopted and incorporated by reference.

Specific Authority 403.067(7)(c)2., 576.045(6) FS. Law Implemented 403.067, 576.045 FS. History—New 10-16-96, Amended 5-1-01, 10-17-02, 2-4-03, 11-21-07, _____09.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Anderson H. Rackley, Director of Agricultural Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Mr. Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: (TBD)

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 11/06/09