

1                   A bill to be entitled  
2           An act relating to protecting urban and residential  
3           environments and water; creating s. 403.9335, F.S.;  
4           providing a short title; creating s. 403.9336, F.S.;  
5           providing legislative findings; creating s. 403.9337,  
6           F.S.; requiring adoption of the "Florida Friendly  
7           Fertilizer Use on Urban Landscapes Model Ordinance" by a  
8           specified time; providing for adoption of additional or  
9           more stringent provisions; providing an exception to  
10          adoption; directing certain appropriations to local  
11          governments adopting the model ordinance or an expanded or  
12          more stringent one; amending s. 482.021, F.S.; providing a  
13          definition; amending s. 482.156, F.S.; deleting  
14          requirement for proof of certain training requirements  
15          established by the Department of Agriculture and Consumer  
16          Services; creating s. 482.1561, F.S.; providing  
17          regulations of commercial fertilizer application on urban  
18          turf; requiring certification of such applicators by the  
19          department; providing such fertilizer application be in  
20          compliance with best management practices established by  
21          the Department of Environmental Protection; creating s.  
22          482.1562, F.S.; establishing a limited certification  
23          category for commercial fertilizer application under the  
24          Department of Agriculture and Consumer Services; requiring  
25          completion of a minimum training program and minimum score  
26          on examination prior to application for certification;  
27          providing application fees; providing that the training  
28          program be designed, approved, and made available by the

HB 1267

2008

29 Department of Environmental Protection and the Institute  
30 of Food and Agricultural Sciences; providing for hours and  
31 subjects of training; requiring the Department of  
32 Environmental Protection to contract with the Institute of  
33 Food and Agricultural Sciences to lead the training  
34 effort; providing for co-location of programs; requiring  
35 the Department of Environmental Protection to provide  
36 program training coordinators; providing for regional  
37 train-the-trainers classes; requiring trainer  
38 certification; providing trainer criteria; requiring  
39 publication of certain training information; requiring  
40 issuance of trainer certificate by a specified time;  
41 requiring the maintenance and publication of a list of  
42 qualified trainers; providing recertification requirements  
43 for the limited certification for commercial fertilizer  
44 application issued by the Department of Agriculture and  
45 Consumer Services, including fees; requiring the  
46 maintenance of certain records by persons certified;  
47 authorizing the department to provide certain information  
48 to certain agencies; providing an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Section 403.9335, Florida Statutes, is created  
53 to read:

54 403.9335 Short title.--Sections 403.9335-403.9337 may be  
55 cited as the "Protection of Urban and Residential Environments  
56 and Water Act."

57 Section 2. Section 403.9336, Florida Statutes, is created  
 58 to read:

59 403.9336 Legislative findings.--The Legislature finds that  
 60 the model fertilizer use ordinance contained in the Florida  
 61 Consumer Fertilizer Task Force Final Report to the 2008 Florida  
 62 Legislature, issued January 15, 2008, as well as its  
 63 incorporation of Rule 5E-1.003(2), Florida Administrative Code,  
 64 entitled, "Labeling Requirements For Urban Turf Fertilizers,"  
 65 are protective of the quality of water in the state's water  
 66 bodies.

67 Section 3. Section 403.9337, Florida Statutes, is created  
 68 to read:

69 403.9337 Adoption of the "Florida Friendly Fertilizer Use  
 70 on Urban Landscapes Model Ordinance".--

71 (1) Unless exempt, no later than October 1, 2008, all  
 72 county and municipal governments must, at a minimum, adopt the  
 73 "Florida Friendly Fertilizer Use on Urban Landscapes Model  
 74 Ordinance" contained in the Florida Consumer Fertilizer Task  
 75 Force Final Report to the 2008 Florida Legislature, issued  
 76 January 15, 2008.

77 (2) A county or municipal government, however, may adopt  
 78 additional provisions to or more stringent provisions than the  
 79 model ordinance, provided:

80 (a) Such government can demonstrate it meets at least one  
 81 of the following criteria:

82 1. The county or municipal government has a verified  
 83 impaired water body that exists within its jurisdiction;

HB 1267

2008

84 2. A total maximum daily loads requirement for the  
85 impaired water body exists under state and federal laws; or

86 3. A more restrictive ordinance has been adopted as a part  
87 of a basin management action plan; or

88 (b) The Environmental Regulation Commission of the  
89 Department of Environmental Protection deems the additional or  
90 more stringent provisions to the model ordinance necessary based  
91 on sound scientific principles.

92 (3) Any county or municipal government that has adopted  
93 its own fertilizer use ordinance before July 1, 2008, is exempt  
94 from the requirement for adoption of the model ordinance.

95 (4) Any appropriation by the Legislature for educating  
96 consumers on the model ordinance or on other fertilizer best  
97 management practices at the local government level shall be  
98 directed to only those counties and municipalities that have  
99 adopted the model ordinance or an expanded or more stringent  
100 ordinance as described in subsection (2).

101 Section 4. Subsections (6) through (28) of section  
102 482.021, Florida Statutes, are renumbered as subsections (7)  
103 through (29), respectively, and a new subsection (6) is added to  
104 that section to read:

105 482.021 Definitions.--For the purposes of this chapter,  
106 and unless otherwise required by the context, the term:

107 (6) "Commercial fertilizer application" means application  
108 of fertilizer for payment or other consideration to property not  
109 owned by a person or firm making the application or by the  
110 employer of the applicator.

111 Section 5. Paragraph (b) of subsection (2) of section  
 112 482.156, Florida Statutes, is amended to read:

113 482.156 Limited certification for commercial landscape  
 114 maintenance personnel.--

115 (2)

116 (b) To be eligible to take the examination, an applicant  
 117 must have completed 6 classroom hours of plant bed and  
 118 ornamental continuing education training approved by the  
 119 department ~~and provide sufficient proof, according to criteria~~  
 120 ~~established by department rule.~~ The department shall provide the  
 121 appropriate reference materials for the examination and make the  
 122 examination readily accessible and available to applicants at  
 123 least quarterly or as necessary in each county.

124 Section 6. Section 482.1561, Florida Statutes, is created  
 125 to read:

126 482.1561 Regulation of commercial fertilizer  
 127 application.--

128 (1) Any person who applies fertilizer commercially to  
 129 urban turf, as defined by the department in rule issued under  
 130 chapter 576, must hold a limited certificate for commercial  
 131 fertilizer application issued under s. 482.1562.

132 (2) Application of fertilizer to urban turf by a certified  
 133 fertilizer applicator shall be in accordance with best  
 134 management practices for fertilizer application as adopted by  
 135 the Department of Environmental Protection.

136 (3) For the purposes of this section, disciplinary action  
 137 by the department shall be limited to suspension or revocation  
 138 of the certificate issued for fertilizer application.

139 Section 7. Section 482.1562, Florida Statutes, is created  
 140 to read:

141 482.1562 Limited certification for commercial fertilizer  
 142 application.--

143 (1) The department shall establish a limited certification  
 144 category for commercial fertilizer application to certify  
 145 persons on the application of fertilizer to urban turf in  
 146 compliance with best management practices for fertilizer  
 147 application and management as adopted by the Department of  
 148 Environmental Protection.

149 (2) (a) A person seeking limited certification under this  
 150 section must apply to the department and submit a copy of the  
 151 training certificate received from the Department of  
 152 Environmental Protection or the Institute of Food and  
 153 Agricultural Sciences at the University of Florida as proof of  
 154 having completed the minimum training program set forth in this  
 155 section and having passed the final examination with a minimum  
 156 score of 75 percent or other acceptable proof as described by  
 157 the department in rule.

158 (b) Each application must be accompanied by a registration  
 159 fee set by the department, in an amount of not more than \$150 or  
 160 less than \$50; however, until a rule setting this fee is adopted  
 161 by the department, the examination fee is \$50.

162 (3) (a) The minimum training program for the certificate  
 163 shall consist of a course that is designed, approved, and made  
 164 available by the Department of Environmental Protection and the  
 165 Institute of Food and Agricultural Sciences at the University of  
 166 Florida. The course shall be based on the "Florida Green

167 Industries Best Management Practices for Protection of Water  
168 Resources in Florida," published by the Department of  
169 Environmental Protection, and consist of a minimum of 6 contact  
170 hours of training in the following subjects:

171 1. Overview of nonpoint source pollution, laws, and  
172 effects on water quality; effects on business, economy, and  
173 quality of life; and best management practices as both good  
174 business and environmental benefit.

175 2. Fertilizer characteristics and selection, including  
176 physical and chemical properties; soil type, pH, temperature,  
177 and moisture effects on release rates; calculation of  
178 application rates; spreader calibration; and materials handling  
179 and spills.

180 3. Florida turfgrass species and characteristics,  
181 including fertilizer requirements and the effects of landscape  
182 design, mowing, irrigation, shade, wear, pest, disease, cold and  
183 heat stresses on fertilizer materials, amounts and timing, and,  
184 conversely, the effects of fertilization on these cultural  
185 aspects in addition to direct effects on water quality,  
186 including nutrient pollution, erosion and sedimentation, and  
187 water usage rates.

188 4. Irrigation systems and the effects of irrigation on  
189 volatilization, leaching, runoff, excessive withdrawal and water  
190 quality issues; effects of over or under irrigation on plants  
191 and fertilizer needs; effects of irrigation water quality and  
192 reclaimed water issues; diagnoses of irrigation and fertilizer  
193 problems; and importance of proper repair to maintain

HB 1267

2008

194 distribution uniformity to prevent spot leaching and runoff of  
195 fertilizers resulting in more fertilizer use and more pollution.

196 5. Florida landscape plants and characteristics, including  
197 fertilizer requirements and the effects of landscape design,  
198 pruning, irrigation, shade, pest, disease, cold and heat  
199 stresses on fertilizer materials, amounts and timing, and,  
200 conversely, the effects of fertilization on these cultural  
201 aspects in addition to direct effects on water quality.

202 6. Pesticide licensing law, including fertilizer-pesticide  
203 mixtures; integrated pest management, environmental effects, and  
204 safety; effects of fertilizer application on pesticide use; and  
205 effects of some pesticides on fertilization requirements.

206 (b) Local ordinance compliance training shall be in  
207 addition to the required hours of instruction.

208 (4) The Department of Environmental Protection shall  
209 contract with the University of Florida Institute of Food and  
210 Agricultural Sciences Extension to lead the training effort with  
211 the primary focus on state-level operations and county-level  
212 training. The Florida Green Industries Best Management Practices  
213 for Protection of Water Resources in Florida training program  
214 shall be co-located with the Florida Yards and Neighborhoods  
215 Program under the Institute of Food and Agricultural Sciences'  
216 Department of Environmental Horticulture's Family Friendly  
217 Program and the Center for Landscape Conservation and Ecology.

218 (5) The Department of Environmental Protection shall  
219 provide program training coordinators through the NOAA coastal  
220 training programs at the Rookery Bay National Estuarine Research  
221 Reserve, the Guana-Tolomato-Matanzas National Estuarine Research

HB 1267

2008

222 Reserve and the Apalachicola National Estuarine Research Reserve  
223 to conduct regional train-the-trainer classes for industry  
224 professionals and corporate training staff and to coordinate and  
225 support local governments, water management districts, and the  
226 Institute of Food and Agricultural Sciences extension training  
227 activities.

228 (6) Trainers shall be certified in the "Florida Green  
229 Industries Best Management Practices for Protection of Water  
230 Resources in Florida," published by the Department of  
231 Environmental Protection, and have a valid trainer certificate.  
232 All trainers shall satisfactorily complete a training program to  
233 conduct this course as provided below, or they shall have the  
234 academic credentials and instructional experience necessary for  
235 teaching the subjects. Trainer criteria shall include:

236 (a) Demonstrated subject matter expertise, which includes  
237 an appropriate level of technical knowledge, skills, or  
238 abilities in the subjects they teach.

239 (b) Demonstrated competency in delivery techniques and  
240 methods appropriate to adult learning principles for the target  
241 audience and the learning objectives.

242 (c) Continued professional competency demonstrated by  
243 participating in continuing education, development programs, or  
244 experience related to their subject matter expertise and  
245 delivery skills.

246 (d) Periodic evaluation of instructional competence by the  
247 training manager or his or her appointee.

248 (7) The Department of Environmental Protection, in  
249 consultation with the department and with the Institute of Food

HB 1267

2008

250 and Agricultural Sciences, shall publish training requirements,  
251 procedures, and materials.

252 (8) A trainer certificate shall be issued by Department of  
253 Environmental Protection or the Institute of Food and  
254 Agricultural Sciences at the University of Florida for certified  
255 trainers, effective January 1, 2008. A list of qualified  
256 trainers shall be maintained and published.

257 (9) An application for recertification under this section  
258 must be made annually and be accompanied by a recertification  
259 fee set by the department, in an amount of not more than \$75 or  
260 less than \$25; however, until a rule setting this fee is adopted  
261 by the department, the fee for recertification is \$25. After a  
262 grace period not exceeding 30 calendar days following the annual  
263 date that recertification is due, a late renewal charge of \$50  
264 shall be assessed and must be paid in addition to the renewal  
265 fee. Unless timely recertified, a certificate automatically  
266 expires 180 calendar days after the anniversary recertification  
267 date. Subsequent to such expiration, a certificate may be issued  
268 only upon successful reexamination and upon payment of the  
269 examination fees due.

270 (10) A person certified under this section shall maintain  
271 records documenting the type of fertilizer applied and the  
272 amounts and location of application. Such records must be  
273 maintained for at least 3 years and be available for review by  
274 the department upon request.

275 (11) The department is authorized to provide information  
276 on the certification status of persons certified under this  
277 section and results of inspections and investigations to local

HB 1267

2008

278 | and state government agencies involved in the regulation of  
279 | fertilizer use and management and to cooperate with these  
280 | entities to more efficiently regulate the use and management of  
281 | fertilizer.

282 |       Section 8. This act shall take effect upon becoming a law.