



516214

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/27/2008	.	
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1 The Committee on Agriculture (Bullard) recommended the following  
 2 **amendment:**

**Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

8 Section 1. Section 403.9335, Florida Statutes, is created  
9 to read:

10 403.9335 Short title.--Sections 403.9335-403.9338 may be  
11 cited as the "Protection of Urban and Residential Environments  
12 and Water Act."

13 Section 2. Section 403.9336, Florida Statutes, is created  
14 to read:

15 403.9336 Legislative findings.--The Legislature finds that  
16 the model fertilizer use ordinance contained in the Florida  
17 Consumer Fertilizer Task Force Final Report to the 2008 Florida

Bill No. SB 2352



516214

18 Legislature, issued January 15, 2008, as well as its  
19 incorporation of rule 5E-1.003, Florida Administrative Code,  
20 entitled "Labeling Requirements For Urban Turf Fertilizers," are  
21 protective of the quality of water in this state's water bodies.

22 Section 3. Section 403.9337, Florida Statutes, is created  
23 to read:

24 403.9337 Adoption of the Florida Friendly Fertilizer Use on  
25 Urban Landscapes Model Ordinance.--

26 (1) The Department of Environmental Protection is directed  
27 to adopt by Secretarial Order on or before October 1, 2008, and  
28 without change, the "Florida Friendly Fertilizer Use on Urban  
29 Landscapes Model Ordinance" contained in the Florida Consumer  
30 Fertilizer Task Force Final Report to the 2008 Florida  
31 Legislature, issued January 15, 2008.

32 (2) At least every 3 years, or as additional research or  
33 other scientific information becomes available, the department,  
34 in consultation with the Department of Agriculture and Consumer  
35 Services, the University of Florida Institute of Food and  
36 Agricultural Sciences, local governments, and other interested  
37 parties, shall review the model ordinance and adopt changes as  
38 necessary.

39 (3) Any county or municipal government that has adopted and  
40 implemented the department-adopted model ordinance, and has  
41 collected site-specific data demonstrating that the model  
42 ordinance is insufficiently protective, may adopt provisions in  
43 addition to or more stringent than those contained in the model  
44 ordinance if such entity demonstrates that it meets the following  
45 criteria:

46 (a) The county or municipal government has within its  
47 jurisdiction all or part of a water body, or all or part of a



516214

48 watershed that drains to all or part of a water body, which has  
49 been verified as being impaired or assessed as being potentially  
50 impaired for a nutrient or nutrients under state or federal law;  
51 and

52 (b) The county and municipal government has demonstrated,  
53 as part of a comprehensive program to address nonpoint sources of  
54 nutrient pollution based on sound scientific principals, that  
55 additional or more stringent provisions to the model ordinances  
56 are necessary to adequately address urban fertilizer  
57 contributions to nonpoint source nutrient loading to a water body  
58 identified in paragraph (a).

59 (4) Any county or municipal government may adopt provisions  
60 in addition to or more stringent than those contained in the  
61 model ordinance if:

62 (a) The county or municipal government is a party to a  
63 basin-management action plan adopted pursuant to s. 403.067  
64 requiring provisions in addition to or more stringent than those  
65 contained in the model ordinance; or

66 (b) The county or municipal government has an approved  
67 permit for a municipal separate storm sewer system requiring  
68 provisions in addition to or more stringent than those contained  
69 in the model ordinance.

70 (5) Any county or municipal government electing to  
71 establish provisions in addition to or more stringent than those  
72 contained in the model ordinance shall consult with the  
73 department, the Department of Agriculture and Consumer Services,  
74 and the University of Florida Institute of Food and Agricultural  
75 Sciences when establishing such provisions. Input received from  
76 the consulting agencies shall become part of the record of  
77 decision in the adoption of any such provisions.



516214

78       (6) Any county or municipal government that has adopted its  
79 own fertilizer use ordinance before January 15, 2008, is exempt  
80 from any requirement to adopt the model ordinance and shall  
81 follow the process in subsections (3), (4), and (5) when adopting  
82 any provisions in addition to or more stringent than those  
83 contained in the model ordinance.

84       Section 4. Section 403.9338, Florida Statutes, is created  
85 to read:

86       403.9338 Minimum training program for limited certification  
87 for commercial fertilizer application.--

88       (1) The minimum training program for the certificate issued  
89 by the Department of Agriculture and Consumer Services pursuant  
90 to s. 482.1562 shall consist of a course designed, approved, and  
91 made available by the Department of Environmental Protection and  
92 the Institute of Food and Agricultural Sciences at the University  
93 of Florida. The course shall be based on the "Florida Green  
94 Industries Best Management Practices for Protection of Water  
95 Resources in Florida," published by the Department of  
96 Environmental Protection, and shall require a minimum of 6  
97 contact hours of training in the following subjects:

98       (a) Nonpoint source pollution, including laws relating to  
99 such pollution, the effects of such pollution on water quality,  
100 business, the economy, and quality of life, and best-management  
101 practices as such practices relate to good business and  
102 environmental benefits.

103       (b) Fertilizer characteristics and selection, including  
104 physical and chemical properties, soil type, pH, temperature, and  
105 moisture effects on release rates, application rates, spreader  
106 calibration, and handling and spills of materials.



516214

107       (c) Florida turfgrass species and their characteristics,  
108 including fertilization requirements and the effects of landscape  
109 design, mowing, irrigation, shade, wear, pests, disease, cold and  
110 heat stresses on fertilizer materials, the amounts of fertilizer  
111 to be applied, and the timing of its application and the effects  
112 of such fertilization on these cultural aspects in addition to  
113 the direct effects on water quality, including nutrient  
114 pollution, erosion and sedimentation, and water usage rates.

115       (d) Irrigation systems and the effects of irrigation on  
116 volatilization, leaching, and runoff of fertilizer, the amount of  
117 water withdrawn and water quality, the effects of aboveground or  
118 underground irrigation on plants and their fertilization needs,  
119 the effects of irrigation water quality and reclaimed water from  
120 such irrigation, diagnoses of irrigation and fertilization  
121 problems, and the importance of proper repair to maintain  
122 distribution uniformity to prevent spot leaching and runoff of  
123 fertilizers resulting in increased fertilizer use and pollution.

124       (e) Florida landscape plants and their characteristics,  
125 including fertilization requirements and the effects of landscape  
126 design, pruning, irrigation, shade, pests, disease, cold and heat  
127 stresses on fertilizer materials, the amounts of fertilizer to be  
128 applied, and the timing of its application and the effects of  
129 fertilization on these cultural aspects in addition to direct  
130 effects on water quality.

131       (f) Pesticide licensing law, including provisions relating  
132 to fertilizer-pesticide mixtures, integrated pest management,  
133 environmental effects and safety, the effects of fertilizer  
134 application on pesticide use, the effects of pesticides on  
135 fertilization requirements, and the prohibition on pesticide  
136 application by persons certified under s. 482.1562.



516214

137       (2) The Department of Environmental Protection shall  
138 contract with the University of Florida Institute of Food and  
139 Agricultural Sciences Extension to lead a training effort that  
140 primarily focuses on state-level operations and county-level  
141 training. The Florida Green Industries Best Management Practices  
142 for Protection of Water Resources in Florida training program  
143 shall be colocated with the Florida Yards and Neighborhoods  
144 Program under the Institute of Food and Agricultural Sciences'  
145 Department of Environmental Horticulture's Florida Friendly  
146 Program and the Center for Landscape Conservation and Ecology.

147       (3) The Department of Environmental Protection shall  
148 provide program training coordinators through the NOAA coastal  
149 training programs at the Rookery Bay National Estuarine Research  
150 Reserve, the Guana-Tolomato-Matanzas National Estuarine Research  
151 Reserve, and the Apalachicola National Estuarine Research Reserve  
152 for the purpose of conducting regional train-the-trainer classes  
153 for industry professionals and corporate training staff and  
154 coordinating and supporting local governments, water management  
155 districts, and the Institute of Food and Agricultural Sciences  
156 extension training activities.

157       (4) Trainers shall be certified in the "Florida Green  
158 Industries Best Management Practices for Protection of Water  
159 Resources in Florida," published by the Department of  
160 Environmental Protection, and have a valid trainer certificate.  
161 All trainers must satisfactorily complete a training program to  
162 conduct courses as described in this section or have the academic  
163 credentials and instructional experience necessary for teaching  
164 relevant subjects. To qualify as a trainer, a person must satisfy  
165 the following criteria:



516214

166       (a) Demonstrated expertise in the subject matter, including  
167 an appropriate level of technical knowledge, skills, or abilities  
168 in the subjects to be taught.

169       (b) Demonstrated competency in delivery techniques and  
170 methods appropriate to adult learning principles for the target  
171 audience and the learning objectives, including the ability to  
172 effectively present and communicate the subject matter.

173       (c) Continued professional competency, as demonstrated by  
174 participation in continuing education curriculum or development  
175 programs, or experience related to the subject matter to be  
176 taught.

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

179       (5) The Department of Environmental Protection, in  
180 consultation with the Department of Agriculture and Consumer  
181 Services and the Institute of Food and Agricultural Sciences,  
182 shall publish training requirements, procedures, and materials.

183       (6) Effective January 1, 2009, a certificate for certified  
184 trainers shall be issued by the Department of Environmental  
185 Protection or the Institute of Food and Agricultural Sciences at  
186 the University of Florida. The department shall maintain and  
187 publish a list of qualified trainers.

188       Section 5. Present subsections (6) through (27) of section  
189 482.021, Florida Statutes, are renumbered as subsections (7)  
190 through (28), respectively, present subsection (28) is renumbered  
191 as subsection (30), and new subsections (6) and (29) are added to  
192 that section, to read:

193       482.021 Definitions.--For the purposes of this chapter, and  
194 unless otherwise required by the context, the term:



516214

195       (6) "Commercial fertilizer application" means application  
196 of fertilizer for payment or other consideration to property not  
197 owned by a person or firm making the application or the employer  
198 of the applicator.

199       (29) "Urban lawnscapes" means any nonagricultural turf  
200 formed from grass or any other plant, and any shrub, bush, tree,  
201 or other plant used or intended for nonagricultural use in  
202 connection with the occupation or use of any structure. The term  
203 does not include golf courses or athletic fields.

204       Section 6. Subsection (11) is added to section 482.091,  
205 Florida Statutes, to read:

206       482.091 Employee identification cards.--

207       (11) Effective December 31, 2008, for every employee who  
208 applies fertilizer commercially to urban lawnscapes pursuant to s.  
209 482.1562, the licensee or certified operator in charge must apply  
210 for an identification card identifying that employee as having  
211 received the training certificate specified in s. 403.9338. The  
212 application for the identification card must be accompanied by  
213 the training certificate. The identification cards for such  
214 employees must be applied for, and shall be issued and used, in  
215 accordance with this section. This subsection does not apply to a  
216 certified operator who is certified in the category of lawn and  
217 commercial pest control.

218       Section 7. Paragraph (b) of subsection (2) of section  
219 482.156, Florida Statutes, is amended, and subsection (6) is  
220 added to that section, to read:

221       482.156 Limited certification for commercial landscape  
222 maintenance personnel.--

223       (2)



Bill No. SB 2352



516214

224 (b) To be eligible to take the examination, an applicant  
225 must have completed 6 classroom hours of plant bed and ornamental  
226 continuing education training approved by the department ~~and~~  
227 ~~provide sufficient proof, according to criteria established by~~  
228 ~~department rule.~~ The department shall provide the appropriate  
229 reference materials for the examination and make the examination  
230 readily accessible and available to applicants at least quarterly  
231 or as necessary in each county.

232 (6) Persons certified under this section are not required  
233 to obtain the limited certificate for commercial fertilizer  
234 application in order to be designated as certified for the  
235 purposes of implementing fertilizer best-management practices as  
236 adopted by the department if on or before December 31, 2008, such  
237 persons obtain the training certificate specified in s.  
238 482.1562(2) (a) before the issuance or renewal of the limited  
239 certificate for commercial landscape maintenance.

240 Section 8. Section 482.1561, Florida Statutes, is created  
241 to read:

242 482.1561 Regulation of commercial fertilizer application.--

243 (1) Effective December 31, 2008, any person who applies  
244 fertilizer commercially to urban lawnscape, as defined in this  
245 chapter, or urban turf, as defined by department rule issued  
246 under chapter 576, must:

247 (a) Hold a limited certificate for commercial fertilizer  
248 application, as issued under s. 482.1562;

249 (b) Hold a limited certificate for commercial landscape  
250 maintenance, as issued under s. 482.156; or

251 (c) Be under the direct supervision of a certified operator  
252 in lawn and ornamental pest control, as issued under s. 482.111,  
253 who is in compliance with s. 482.091(11).

Bill No. SB 2352



516214

254       (2) Application of fertilizer to urban lawns  
255 certified fertilizer applicator shall be in accordance with best-  
256 management practices for fertilizer application as adopted by the  
257 department and the Department of Environmental Protection.

258       Section 9. Section 482.1562, Florida Statutes, is created  
259 to read:

260       482.1562 Limited certification for commercial fertilizer  
261 application.--

262       (1) The department shall establish a limited certification  
263 category for commercial fertilizer application to certify persons  
264 as qualified to apply fertilizer to urban turf in compliance with  
265 best-management practices for fertilizer application and  
266 management as adopted by the department and the Department of  
267 Environmental Protection.

268       (2) (a) A person seeking limited certification under this  
269 section must apply to the department and submit a copy of the  
270 training certificate received from the Department of  
271 Environmental Protection or the Institute of Food and  
272 Agricultural Sciences at the University of Florida as proof of  
273 completion of the minimum training program set forth in s.  
274 403.9338.

275       (b) Each application must be accompanied by a registration  
276 fee set by the department, in an amount less than or equal to  
277 \$150 but greater than or equal to \$50. However, until a rule  
278 setting this fee is adopted by the department, the amount of such  
279 fee is \$50.

280       (3) An application for recertification under this section  
281 must be made annually and be accompanied by a recertification fee  
282 set by the department, in an amount less than or equal to \$75 or  
283 greater than or equal to \$25. However, until a rule setting this

Bill No. SB 2352



516214

284 fee is adopted by the department, the amount of the  
285 recertification fee is \$25. After a grace period not exceeding 30  
286 calendar days following the annual date that recertification is  
287 due, a late renewal charge of \$50 shall be assessed and must be  
288 paid in addition to the renewal fee. Unless timely recertified, a  
289 certificate automatically expires 180 calendar days after the  
290 recertification anniversary date. After such expiration, a  
291 certificate may be issued only upon presentation of the training  
292 certificate and upon payment of any certification fees due.

293 (4) The department may provide information concerning the  
294 certification status of persons certified under this section and  
295 results of inspections and investigations to local and state  
296 government agencies involved in the regulation of fertilizer use  
297 and management and may cooperate with these entities to more  
298 efficiently regulate the use and management of fertilizer.

299 (5) Certification under this section does not authorize:

300 (a) Application of pesticides to turf or ornamentals,  
301 including pesticide-fertilizer mixtures;

302 (b) Operation of a pest control business; or

303 (c) Application of pesticides by unlicensed or uncertified  
304 personnel under the supervision of a certified person.

305 Section 10. Section 482.1563, Florida Statutes, is created  
306 to read:

307 482.1563 Rules.--The department may adopt rules pursuant to  
308 ss. 120.536(1) and 120.54 to administer ss. 482.1561 and  
309 482.1562.

310 Section 11. Subsection (1) of section 482.2401, Florida  
311 Statutes, is amended, present subsection (3) is amended and  
312 renumbered as subsection (4), and a new subsection (3) is added  
313 to that section, to read:



516214

314 482.2401 Disposition and use of revenues from fees and  
315 fines.--

316 (1) All moneys collected or received by the department  
317 under this chapter shall be deposited in the Pest Control Trust  
318 Fund and, except as provided in subsections ~~subsection~~ (3) and  
319 (4), shall be used by the department in carrying out the  
320 provisions of this chapter and in the education of the pest  
321 control industry.

322 (3) All fines collected or received for failure to comply  
323 with ss. 482.1561 and 482.1562 shall be deposited into the Pest  
324 Control Trust Fund and shall be used by the department for  
325 education regarding urban lawnscape fertilizer best-management  
326 practices.

327 (4) ~~(3)~~ All other revenues from administrative fines shall  
328 be used to support contract research or education in pest  
329 control. The department shall appoint a committee composed of  
330 pest control industry members which shall assist the department  
331 in establishing research or education priorities, in developing  
332 requests for proposals for bids, and in selecting research or  
333 education contractors from qualified bidders.

334 Section 12. This act shall take effect upon becoming a law.

335  
336 ===== T I T L E A M E N D M E N T =====

337 And the title is amended as follows:

338 Delete everything before the enacting clause  
339 and insert:

340 A bill to be entitled  
341 An act relating to protecting urban and residential  
342 environments and water; creating s. 403.9335, F.S.;  
343 providing a short title; creating s. 403.9336, F.S.;

Bill No. SB 2352



516214

344 providing legislative findings; creating s. 403.9337,  
345 F.S.; requiring that the Department of Environmental  
346 Protection adopt the "Florida Friendly Fertilizer Use  
347 on Urban Landscapes Model Ordinance" on or before a  
348 specified date; requiring that the department, in  
349 consultation with certain entities, review the model  
350 ordinance and adopt changes as necessary within  
351 specified periods; authorizing a county or municipal  
352 government meeting certain criteria to adopt provisions  
353 in addition to or more stringent than those contained  
354 in the model ordinance; authorizing any county or  
355 municipal government to adopt provisions in addition to  
356 or more stringent than those contained in the model  
357 ordinance under certain conditions; authorizing such  
358 counties to consult with certain entities when  
359 establishing such provisions; exempting certain  
360 counties and municipal governments from the requirement  
361 to adopt the model ordinance; creating s. 403.9338,  
362 F.S.; requiring that the minimum training program for  
363 limited certification for commercial fertilizer  
364 application issued by the Department of Agriculture and  
365 Consumer Services be designed, approved, and made  
366 available by the Department of Environmental Protection  
367 and the Institute of Food and Agricultural Sciences;  
368 providing training requirements; requiring the  
369 Department of Environmental Protection to contract with  
370 the Institute of Food and Agricultural Sciences for the  
371 purpose of leading the training effort; providing for  
372 colocation of programs; requiring that the Department  
373 of Environmental Protection provide training

Bill No. SB 2352



516214

374 coordinators for the program; providing for certain  
375 regional classes; requiring certification of trainers;  
376 providing criteria for persons seeking to qualify as  
377 trainers; requiring the publication of certain training  
378 information; requiring the issuance of the trainer  
379 certificate on or before a specified date; requiring  
380 the maintenance and publication of a list of qualified  
381 trainers; amending s. 482.021, F.S.; providing  
382 definitions; amending s. 482.091, F.S.; requiring the  
383 issuance of identification cards containing certain  
384 information for persons who apply fertilizer  
385 commercially to urban lawnscape; requiring that such  
386 identification cards be obtained and used in certain  
387 ways; providing an exception; amending s. 482.156,  
388 F.S.; deleting a requirement for proof of certain  
389 training requirements established by the Department of  
390 Agriculture and Consumer Services; providing certain  
391 exceptions for persons holding the limited certificate  
392 for commercial landscape maintenance; requiring such  
393 persons to receive specified training on or before a  
394 specified date; creating s. 482.1561, F.S.; providing  
395 for the regulation of the application of commercial  
396 fertilizer on urban lawnscape and urban turf; requiring  
397 the certification of such applicators by the  
398 department; requiring certain applicators to be under  
399 the direct supervision of certain certified persons;  
400 requiring that the application of such fertilizer be in  
401 compliance with best-management practices adopted by  
402 the Department of Agriculture and Consumer Services and  
403 the Department of Environmental Protection; creating s.



516214

404 482.1562, F.S.; establishing a limited certification  
405 category for commercial fertilizer application under  
406 the Department of Agriculture and Consumer Services;  
407 requiring the completion of a minimum training program  
408 before application for certification; providing  
409 application fees; providing recertification  
410 requirements and fees; authorizing the department to  
411 provide certain information to certain agencies;  
412 specifying limitations of certification; creating s.  
413 482.1563, F.S.; authorizing the department to adopt  
414 rules; amending s. 482.2401, F.S.; requiring the  
415 deposit of moneys collected pursuant to certain fines  
416 into the Pest Control Trust Fund; providing for the use  
417 of such funds; providing an effective date.