

By Senator Aronberg

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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
29 Department of Environmental Protection and the Institute

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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:

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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," are
65 protective of the quality of water in the state's water bodies.

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

68 403.9337 Adoption of the "Florida Friendly Fertilizer Use
69 on Urban Landscapes Model Ordinance".--

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

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

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

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

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

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

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

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

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

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

104 482.021 Definitions.--For the purposes of this chapter, and
105 unless otherwise required by the context, the term:

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

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

112 482.156 Limited certification for commercial landscape
113 maintenance personnel.--

114 (2)

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

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

125 482.1561 Regulation of commercial fertilizer application.--

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

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

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

137 Section 7. Section 482.1562, Florida Statutes, is created
138 to read:

139 482.1562 Limited certification for commercial fertilizer
140 application.--

141 (1) The department shall establish a limited certification
142 category for commercial fertilizer application to certify persons
143 on the application of fertilizer to urban turf in compliance with

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144 best management practices for fertilizer application and
145 management as adopted by the Department of Environmental
146 Protection.

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

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

160 (3) (a) The minimum training program for the certificate
161 shall consist of a course that is designed, approved, and made
162 available by the Department of Environmental Protection and the
163 Institute of Food and Agricultural Sciences at the University of
164 Florida. The course shall be based on the "Florida Green
165 Industries Best Management Practices for Protection of Water
166 Resources in Florida," published by the Department of
167 Environmental Protection, and consist of a minimum of 6 contact
168 hours of training in the following subjects:

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

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

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

185 4. Irrigation systems and the effects of irrigation on
186 volatilization, leaching, runoff, excessive withdrawal and water
187 quality issues; effects of over or under irrigation on plants and
188 fertilizer needs; effects of irrigation water quality and
189 reclaimed water issues; diagnoses of irrigation and fertilizer
190 problems; and importance of proper repair to maintain
191 distribution uniformity to prevent spot leaching and runoff of
192 fertilizers resulting in more fertilizer use and more pollution.

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

199 6. Pesticide licensing law, including fertilizer-pesticide
200 mixtures; integrated pest management, environmental effects, and

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201 safety; effects of fertilizer application on pesticide use; and
202 effects of some pesticides on fertilization requirements.

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

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

215 (5) The Department of Environmental Protection shall
216 provide program training coordinators through the NOAA coastal
217 training programs at the Rookery Bay National Estuarine Research
218 Reserve, the Guana-Tolomato-Matanzas National Estuarine Research
219 Reserve and the Apalachicola National Estuarine Research Reserve
220 to conduct regional train-the-trainer classes for industry
221 professionals and corporate training staff and to coordinate and
222 support local governments, water management districts, and the
223 Institute of Food and Agricultural Sciences extension training
224 activities.

225 (6) Trainers shall be certified in the "Florida Green
226 Industries Best Management Practices for Protection of Water
227 Resources in Florida," published by the Department of
228 Environmental Protection, and have a valid trainer certificate.
229 All trainers shall satisfactorily complete a training program to

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230 conduct this course as provided below, or they shall have the
231 academic credentials and instructional experience necessary for
232 teaching the subjects. Trainer criteria shall include:

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

236 (b) Demonstrated competency in delivery techniques and
237 methods appropriate to adult learning principles for the target
238 audience and the learning objectives.

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

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

245 (7) The Department of Environmental Protection, in
246 consultation with the department and with the Institute of Food
247 and Agricultural Sciences, shall publish training requirements,
248 procedures, and materials.

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

254 (9) An application for recertification under this section
255 must be made annually and be accompanied by a recertification fee
256 set by the department, in an amount of not more than \$75 or less
257 than \$25; however, until a rule setting this fee is adopted by
258 the department, the fee for recertification is \$25. After a grace

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259 period not exceeding 30 calendar days following the annual date
260 that recertification is due, a late renewal charge of \$50 shall
261 be assessed and must be paid in addition to the renewal fee.
262 Unless timely recertified, a certificate automatically expires
263 180 calendar days after the anniversary recertification date.
264 Subsequent to such expiration, a certificate may be issued only
265 upon successful reexamination and upon payment of the examination
266 fees due.

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

272 (11) The department is authorized to provide information on
273 the certification status of persons certified under this section
274 and results of inspections and investigations to local and state
275 government agencies involved in the regulation of fertilizer use
276 and management and to cooperate with these entities to more
277 efficiently regulate the use and management of fertilizer.

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