

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Community Affairs Committee

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BILL: SB 1328  
 INTRODUCER: Senator Baker  
 SUBJECT: Commercial Fertilizer Application  
 DATE: April 15, 2009                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Poole</u>	<u>AG</u>	<b>Favorable</b>
2.	<u>Wolfgang</u>	<u>Yeatman</u>	<u>CA</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>EP</u>	_____
4.	_____	_____	<u>GA</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

This bill establishes a certification category for persons who apply fertilizer commercially to urban turf and landscapes, to be issued by the Department of Agriculture and Consumer Services (department). This certification would demonstrate that the person has received training in fertilizer best management practices, as adopted by the department and the Department of Environmental Protection. It establishes criteria and fees for issuance and renewal of the certificate and administrative fines for violations. It gives the department the authority for rulemaking to implement these provisions.

This bill amends sections 482.021, 482.091, 482.156, and 482.2401 of the Florida Statutes.

This bill creates section 482.1562 of the Florida Statutes.

**II. Present Situation:**

Nutrient pollution, especially from nitrogen and phosphorus, has consistently ranked as one of the top causes of degradation in some United States waters for more than a decade. Excess nitrogen and phosphorus lead to significant water quality problems including harmful algal blooms, hypoxia and declines in wildlife and wildlife habitat. Excesses have also been linked to higher amounts of chemicals that make people sick. Some of the things that contribute to nitrogen and phosphorus pollution are overuse of residential fertilizer and rainfall flowing over urban and suburban areas.<sup>1</sup>

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<sup>1</sup> <http://www.epa.gov/waterscience/criteria/nutrient>

Currently there is no requirement for local governments to adopt a model ordinance for urban fertilizer use based on the Florida Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions. As part of its ongoing Florida-Friendly Landscape Best Management Practice Educational Program, the Florida Department of Environmental Protection and the University of Florida Institute of Food and Agricultural Sciences have developed this manual to assist local governments, commercial entities and others in smarter fertilizer use.

There is also no requirement that commercial fertilizer applicators obtain training in fertilizer best management practices. There are approximately 87,000 potential urban landscape applicators statewide. Recent efforts to educate landscape applicators on fertilizer best management practices have resulted in 2,600 persons receiving training.

### III. Effect of Proposed Changes:

**Section 1** amends s. 482.021, F.S., to define the terms “commercial fertilizer application” and “urban lawnscapes.”

**Section 2** amends s. 482.091, F.S., to require, effective January 1, 2010, that every employee who applies fertilizer commercially to urban lawnsapes must hold an identification card that identifies that employee as being able to apply fertilizer commercially to urban lawnsapes. It provides that this section does not apply to the employee of a person who is certified in commercial landscape maintenance.

**Section 3** amends s. 482.156, F.S., to require the training for limited certification for commercial landscape maintenance personnel to be based on the “Florida Green Industries Best Management Practices for Protection of Water Resources in Florida,” which is published by the Department of Environmental Protection and approved by the Department of Agriculture and Consumer Services (department). It provides that persons certified under this section are not required to obtain a limited certificate for commercial fertilizer application.

**Section 4** creates s. 482.1562, F.S., to require the department to establish a limited certification for persons to apply fertilizer to urban lawnsapes compliant with the best-management practices for fertilizer application and management adopted by the department. It requires the person to complete a training program based on the “Florida Green Industries Best Management Practices for Protection of Water Resources in Florida.” It provides criteria for the training curriculum including course topics and instructor qualifications.

This section requires the person seeking certification to pay a registration fee of \$50 to \$150 and authorizes the department to set the amount by rule. It also provides for a recertification fee of \$25 to \$75 and a late renewal charge of \$50. The department may impose administrative fines, which may not exceed \$1,000 for violations of this section.

The department is authorized to provide information concerning the certification status of persons certified under this section and the results of inspections and investigations to local and state government agencies. The department is also authorized to adopt rules to administer this section.

**Section 5** amends s. 482.2401, F.S., to require the fees and fines collected by the department to be deposited into the Pest Control Trust Fund. It provides for the use of such funds.

**Section 6** provides that this act shall take effect July 1, 2009.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Commercial fertilizer applicators will have to obtain training and certification. The cost of training is estimated to be \$40 per certification and would require 6 hours. Persons seeking certification must apply to the Department of Agriculture and Consumer Services and submit a copy of the training certificate and pay a registration fee of \$50 until the department sets a registration fee by rule. It also provides for a recertification fee of \$25 to \$75 and a late renewal charge of \$50. The department may impose administrative fines, which may not exceed \$1,000 for violations.

C. Government Sector Impact:

	<b>FY 09-10</b>	<b>FY 10-11</b>	<b>FY 11-12</b>
<b>REVENUES</b>			
<b>Recurring:</b>			
Renewals (\$25)		\$65,000	\$130,000
<b>Non-Recurring:</b>			
Registration fee (\$50) Based on 2,600 certifications/year	\$130,000	\$130,000	\$130,000
<b>EXPENDITURES</b>			

**Recurring:**

Pest Control Trust Fund			
Salaries and Benefits – 2 FTE	0	0	\$95,509
Expenses	0	0	\$18,509
Human Resources Services	0	0	\$802

**Non-Recurring:**

Expenses	0	0	\$6,383
Operating Capital Outlay	0	0	\$2,000

**VI. Technical Deficiencies:**

Line 84 references the nonexistent statute s. 482.1652, F.S., when it should reference the newly created statute s. 482.1562, F.S.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**  
 (Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.