

By Senator Baker

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1 A bill to be entitled
2 An act relating to commercial fertilizer application;
3 amending s. 482.021, F.S.; defining the terms
4 "commercial fertilizer application" and "urban
5 lawnscape"; amending s. 482.091, F.S.; requiring an
6 identification card for an employee which verifies
7 that the employee is certified to apply fertilizer
8 commercially to urban lawnsapes; providing an
9 exception; amending s. 482.156, F.S.; requiring the
10 training for limited certification for commercial
11 landscape maintenance personnel to be based on the
12 "Florida Green Industries Best Management Practices
13 for Protection of Water Resources in Florida,"
14 published by the Department of Environmental
15 Protection; providing that persons holding such a
16 certificate are qualified to apply fertilizer
17 commercially; creating s. 482.1562, F.S.; requiring
18 the Department of Agriculture and Consumer Services to
19 establish a limited certification for persons applying
20 fertilizer commercially; providing a training program
21 for the certificate; providing the training
22 curriculum; providing trainer requirements; requiring
23 the department to publish training and trainer
24 materials; providing certification fees; providing
25 recertification requirements and fees; authorizing the
26 department to provide certain information to state and
27 local agencies; specifying limitations of
28 certification; authorizing the imposition of fines for
29 violations; authorizing the department to adopt rules;

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30 amending s. 482.2401, F.S.; requiring the deposit of
31 fines collected for violations into the Pest Control
32 Trust Fund; providing for the use of such funds;
33 providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

37 Section 1. Present subsections (6) through (27) of section
38 482.021, Florida Statutes, are renumbered as subsections (7)
39 through (28), respectively, present subsection (28) is renumbered
40 as subsection (30), and new subsections (6) and (29) are added
41 to that section, to read:

42 482.021 Definitions.—For the purposes of this chapter, and
43 unless otherwise required by the context, the term:

44 (6) "Commercial fertilizer application" means the
45 application of fertilizer for payment or other consideration to
46 property not owned by the person or firm applying the fertilizer
47 or the employer of the applicator.

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

53 Section 2. Subsection (11) is added to section 482.091,
54 Florida Statutes, to read:

55 482.091 Employee identification cards.—

56 (11) Effective January 1, 2010, every employee who applies
57 fertilizer commercially to urban lawnsapes must hold an
58 identification card that identifies that employee as being

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59 certified under s. 482.1562. The application for the
60 identification card must be accompanied by a copy of the
61 employee's training certificate. The identification cards must
62 be applied for, issued, and used in accordance with this
63 section. This subsection does not apply to the employee of a
64 person who is certified in commercial landscape maintenance
65 under s. 482.156.

66 Section 3. Paragraph (b) of subsection (2) of section
67 482.156, Florida Statutes, is amended, and subsection (6) is
68 added to that section, to read:

69 482.156 Limited certification for commercial landscape
70 maintenance personnel.—

71 (2)

72 (b) To be eligible to take the examination, an applicant
73 must have completed 6 classroom hours of plant bed and
74 ornamental continuing education training based on the "Florida
75 Green Industries Best Management Practices for Protection of
76 Water Resources in Florida," published by the Department of
77 Environmental Protection, and approved by the department and
78 ~~provide sufficient proof, according to criteria established by~~
79 ~~department rule.~~ The department shall provide the appropriate
80 reference materials for the examination and make the examination
81 readily accessible and available to applicants at least
82 quarterly or as necessary in each county.

83 (6) Persons certified under this section are not required
84 to obtain a limited certificate under s. 482.1652 in order to be
85 qualified to apply commercial fertilizer to urban lawns
86 compliant with the best-management practices for fertilizer
87 application and management adopted by the department.

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88 Section 4. Section 482.1562, Florida Statutes, is created
89 to read:

90 482.1562 Limited certification for commercial fertilizer
91 application.—The department shall establish a certification for
92 commercial fertilizer application which certifies persons
93 licensed under this chapter, certified operators, and employees
94 holding identification cards as qualified to apply fertilizer to
95 urban lawnscompliant with the best-management practices
96 for fertilizer application and management adopted by the
97 department.

98 (1) To obtain the certificate the person must complete
99 training program based on the "Florida Green Industries Best
100 Management Practices for Protection of Water Resources in
101 Florida," published by the Department of Environmental
102 Protection.

103 (a) The training course shall be for a minimum of 4 contact
104 hours in the following subjects:

105 1. Nonpoint source pollution, including laws relating to
106 such pollution; the effects of such pollution on water quality,
107 business, the economy, and quality of life; and best-management
108 practices that relate to good business practices and
109 environmental benefits.

110 2. Fertilizer characteristics and selection, including
111 physical and chemical properties, soil type, pH, temperature,
112 and moisture effects on release rates; application rates;
113 spreader calibration; and handling and spills of materials.

114 3. Florida turfgrass species and their characteristics,
115 including fertilization requirements and the effects of
116 landscape design, mowing, irrigation, shade, wear, pests,

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117 disease, and cold and heat stresses on fertilizer materials; the
118 amounts of fertilizer to be applied and the timing of its
119 application; and the effects of fertilization on these cultural
120 aspects in addition to the direct effects on water quality,
121 including nutrient pollution, erosion and sedimentation, and
122 water usage rates.

123 4. Irrigation systems and the effects of irrigation on
124 volatilization, leaching, and runoff of fertilizer; the amount
125 of water withdrawn and water quality; the effects of aboveground
126 or underground irrigation on plants and their fertilization
127 needs; the effects of irrigation water quality and reclaimed
128 water from such irrigation; the diagnoses of irrigation and
129 fertilization problems; and the importance of the proper repair
130 of irrigation systems on maintaining water distribution
131 uniformity and preventing spot leaching and fertilizer runoff,
132 which results in increased fertilizer use and pollution.

133 5. Florida landscape plants and their characteristics,
134 including fertilization requirements and the effects of
135 landscape design, pruning, irrigation, shade, pests, disease,
136 and cold and heat stresses on fertilizer materials; the amounts
137 of fertilizer to be applied and the timing of its application;
138 and the effects of fertilization on these cultural aspects in
139 addition to direct effects on water quality.

140 6. Pesticide licensing law, including provisions relating
141 to fertilizer-pesticide mixtures, integrated pest management,
142 environmental effects and safety, the effects of fertilizer
143 application on pesticide use, the effects of pesticides on
144 fertilization requirements, and the prohibition on pesticide
145 application by persons certified under s. 482.1562.

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146 (b) Persons completing the course shall be issued a
147 training certificate to provide proof of successful course
148 completion.

149 (2) Persons providing the training described in subsection
150 (1) must:

151 (a) Be certified in the "Florida Green Industries Best
152 Management Practices for Protection of Water Resources in
153 Florida," published by the department.

154 (b) Satisfactorily complete a training program sufficient
155 to conduct the course, or have the academic credentials and
156 instructional experience necessary for teaching relevant
157 subjects. To meet this requirement, a person must:

158 1. Demonstrate expertise in the subject matter, including
159 an appropriate level of technical knowledge, skills, or
160 abilities in the subjects to be taught;

161 2. Demonstrate competency in teaching methods appropriate
162 to adult learning for the intended audience and the learning
163 objectives, including the ability to effectively present and
164 communicate the subject matter;

165 3. Demonstrate continued professional competency, as
166 evidenced by participation in relevant continuing education
167 courses or development programs, or experience related to the
168 subject matter to be taught; and

169 4. Be periodically evaluated for instructional competence
170 by the training manager or his or her designee.

171 (c) Have a valid trainer certificate issued by the
172 department.

173 (3) The department shall publish training and trainer
174 requirements, procedures, and materials.

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175 (4) A person seeking certification under this section must
176 apply to the department and submit:

177 (a) A copy of the training certificate issued under
178 paragraph (1)(b) as proof of course completion; and

179 (b) A registration fee of \$50 to \$150 as set by the
180 department by rule. Until such rule is adopted, the amount of
181 the registration fee is \$50.

182 (5) An application for recertification under this section
183 must be made annually and be accompanied by a recertification
184 fee of \$25 to \$75 as set by the department by rule. Until such
185 rule is adopted, the amount of the recertification fee is \$25.

186 (a) After a grace period of 30 calendar days following the
187 annual date that recertification is due, a late renewal charge
188 of \$50 shall be assessed and must be paid in addition to the
189 renewal fee.

190 (b) Unless timely recertified, a certificate automatically
191 expires 180 calendar days after the recertification anniversary
192 date. After such expiration, a certificate may be issued only
193 upon presentation of the training certificate and payment of any
194 certification fees due.

195 (6) The department may provide information concerning the
196 certification status of persons certified under this section and
197 the results of inspections and investigations to local and state
198 government agencies involved in the regulation of fertilizer use
199 and management and may cooperate with these entities to more
200 efficiently regulate the use and management of fertilizer.

201 (7) Certification under this section does not authorize:

202 (a) The application of pesticides to turf or ornamentals,
203 including pesticide-fertilizer mixtures;

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204 (b) The operation of a pest control business; or
205 (c) The application of pesticides by unlicensed or
206 uncertified personnel under the supervision of a certified
207 person.

208 (8) The department may impose administrative fines, which
209 may not exceed \$1,000, for violations of this section.

210 (9) The department may adopt rules to administer this
211 section.

212 Section 5. Section 482.2401, Florida Statutes, is amended
213 to read:

214 482.2401 Disposition and use of revenues from fees and
215 fines.—

216 (1) All moneys collected or received by the department
217 under this chapter shall be deposited in the Pest Control Trust
218 Fund and, except as provided in subsections ~~subsection~~ (3) and
219 (4), shall be used by the department in carrying out the
220 provisions of this chapter and in the education of the pest
221 control industry.

222 (2) All expenditures authorized by this chapter shall be
223 paid upon presentation of vouchers approved by the department.

224 (3) All fines collected or received for failure to comply
225 with s. 482.1562 shall be used by the department for education
226 regarding urban lawnscape fertilizer best-management practices.

227 (4)~~(3)~~ All revenues from administrative fines shall be used
228 to support contract research or education in pest control. The
229 department shall appoint a committee composed of pest control
230 industry members which shall assist the department in
231 establishing research or education priorities, in developing
232 requests for proposals for bids, and in selecting research or

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233 education contractors from qualified bidders.

234 Section 6. This act shall take effect July 1, 2009.