

1 A bill to be entitled
 2 An act relating to turf and landscape maintenance;
 3 providing definitions; specifying requirements for
 4 fertilizer content and application; requiring specified
 5 training for turf and landscape practices; providing
 6 requirements for the management of specified debris;
 7 providing recommendations for the maintenance of certain
 8 areas; providing applicability and exemptions; providing
 9 an effective date.

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 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Turf and landscape maintenance.--

14 (1) DEFINITIONS.--As used in this section:

15 (a) "Applicator" means any person who applies fertilizer
 16 on turf or landscape plants, including:

17 1. A commercial applicator who applies fertilizer on turf
 18 or landscape plants in exchange for money, goods, services, or
 19 other valuable consideration.

20 2. An institutional applicator who applies fertilizer for
 21 the purpose of maintaining turf or landscape plants, including,
 22 but not limited to, owners and managers of public lands,
 23 schools, parks, religious institutions, utility companies,
 24 industrial or business sites, and any residential properties
 25 maintained under common ownership.

26 3. A golf course applicator who applies fertilizer to golf
 27 courses.

28 (b) "Best management practice" means turf and landscape

29 practices or any combination of practices determined, based on
 30 research, field-testing, and expert review, to be the most
 31 effective and practicable on-location means, including economic
 32 and technological considerations, for improving water quality,
 33 conserving water supplies, and protecting natural resources.

34 (c) "Fertilizer" means any substance or mixture of
 35 substances that contains one or more recognized plant nutrients
 36 and promotes plant growth, controls soil acidity or alkalinity,
 37 provides other soil enrichment, or provides other corrective
 38 measures to the soil, excluding pesticide-fertilizer mixtures.

39 (d) "Landscape plant" means any tree, shrub, or
 40 groundcover, excluding turf.

41 (e) "Prohibited application period" means the time period
 42 during which heavy rain is imminent or a 3-day cone of
 43 uncertainty, a flood watch or warning, tropical storm watch or
 44 warning, or hurricane watch or warning has been issued for the
 45 area by the National Weather Service.

46 (f) "Turf" means a piece of grass-covered soil held
 47 together by the roots of the grass, including lawn and sod.

48 (g) "Vegetative debris" means debris containing any mowed
 49 or cut parts of any plant species, including grass clippings.

50 (h) "Water bodies" means any watercourse, canal, pond,
 51 lake, river, or stream.

52 (i) "Wetlands" means those areas defined in s.
 53 373.019(25), Florida Statutes.

54 (2) FERTILIZER CONTENT AND APPLICATION REQUIREMENTS.--

55 (a) Fertilizer containing nitrogen or phosphorus may not
 56 be applied to turf or landscape plants during a prohibited

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57 application period.

58 (b) Fertilizer applied to turf or landscape plants must be
59 labeled in accordance with rule of the Department of Agriculture
60 and Consumer Services on fertilizer label requirements for urban
61 turf, sports turf, or lawns.

62 (c) Fertilizer must be applied to turf or landscape plants
63 in accordance with rule of the Department of Agriculture and
64 Consumer Services on fertilizer label requirements for urban
65 turf, sports turf, or lawns and may not exceed the annual
66 nitrogen recommendations provided therein.

67 (d) A one-time application of starter fertilizer in
68 accordance with rule of the Department of Agriculture and
69 Consumer Services on fertilizer label requirements for urban
70 turf, sports turf, or lawns is allowed for turf and landscape
71 plants that are being planted or established.

72 (e) Nitrogen or phosphorus fertilizer may not be applied
73 to turf or landscape plants except as provided in this
74 subsection unless a soil or tissue deficiency has been verified
75 through testing approved by the Institute of Food and
76 Agricultural Sciences at the University of Florida or another
77 accredited laboratory.

78 (f) Fertilizer may not be applied, spilled, or otherwise
79 deposited on any impervious surface. Any fertilizer applied,
80 spilled, or deposited on an impervious surface shall be
81 immediately removed to the greatest extent practicable and
82 legally applied to turf, or any other legal site, or returned to
83 the original or other appropriate container. Fertilizer may not
84 be washed, swept, or blown off an impervious surface into

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85 stormwater drains, ditches, conveyances, or water bodies.

86 (g) Fertilizer may not be applied within 10 feet, or 3
87 feet if a deflector shield or drop spreader is used, of the top
88 of seawalls, water bodies, or wetlands. Newly planted turf and
89 landscape plants in such zones may be fertilized for 60 days
90 after planting.

91 (h) Spreader deflector shields are required when applying
92 fertilizer via rotary spreaders and shall be positioned so that
93 fertilizer granules are deflected away from all impervious
94 surfaces, seawalls, water bodies, and wetlands in accordance
95 with paragraphs (f) and (g).

96 (3) TURF AND LANDSCAPE PRACTICES; TRAINING.--

97 (a) Commercial and institutional applicators of fertilizer
98 must complete the Florida Green Industries Best Management
99 Practices training or a recognized industry certification
100 program, such as the Florida Nursery, Growers and Landscape
101 Association's Certified Horticulture Professional program, and
102 implement such practices.

103 (b) Golf course applicators must complete the Best
104 Management Practices for Enhancement of Environmental Quality on
105 Golf Courses training and implement such practices.

106 (c) Homeowners and property tenants are encouraged to
107 attend Florida-friendly landscaping workshops through the
108 University of Florida and to follow the recommendations of the
109 Florida Yards and Neighborhoods program.

110 (d) Any retail facility that sells fertilizer products is
111 encouraged to designate at least one manager to complete the
112 Florida Green Industries Best Management Practices for

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113 Protection of Water Resources in Florida training, or another
114 recognized industry certification program, such as the Florida
115 Nursery, Growers and Landscape Association's Certified
116 Horticulture Professional program, and to implement an internal
117 training program for other employees.

118 (4) MANAGEMENT OF VEGETATIVE DEBRIS; MAINTENANCE OF AREAS
119 ADJACENT TO WATER BODIES OR WETLANDS.--

120 (a) Vegetative debris may not be deposited, by any means
121 or method, onto sidewalks or roadways or into stormwater drains,
122 ditches, conveyances, water bodies, or wetlands.

123 (b) An area of at least 6 feet wide from the top of
124 seawalls or adjacent to any water bodies or wetlands is strongly
125 recommended. A swale or berm system should be installed at the
126 landward edge of the area to capture and filter runoff, all
127 vegetative debris should be removed from the area and any water
128 bodies or wetlands, and over-spraying of aquatic weed products
129 in the area should be avoided.

130 (5) APPLICABILITY; EXEMPTIONS.--

131 (a) This section does not impair any existing contract;
132 and, except as otherwise exempted by law, this section applies
133 to all applicators of fertilizer and all areas where fertilizer
134 is applied. A local government may adopt additional and more
135 stringent provisions if the local government can verify impaired
136 waters and the achievement of total maximum daily loads
137 allowable under state or federal law or if the local government
138 can provide scientific evidence that harm to human health or the
139 environment exists or that the prevention of such harm warrants
140 such fertilizer application requirements.

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141 (b) This section does not apply to:
142 1. Farm operations as defined in s. 823.14, Florida
143 Statutes, or other properties that have pastures used for
144 grazing livestock, provided that fertilizers are applied in
145 accordance with the appropriate best management practices
146 adopted by the Department of Agriculture and Consumer Services
147 for the crop in question; or
148 2. Golf courses, provided that the latest edition of Best
149 Management Practices for Enhancement of Environmental Quality on
150 Florida Golf Courses is followed when applying fertilizer to
151 golf course practice and play areas.
152 Section 2. This act shall take effect July 1, 2009.