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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/15/2009	.	
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The Committee on General Government Appropriations (Dean)
recommended the following:

Senate Amendment (with title amendment)

Between lines 66 and 67

insert:

Section 2. Section 403.9335, Florida Statutes, is created
to read:

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

Section 3. Section 403.9336, Florida Statutes, is created
to read:



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12 403.9336 Legislative findings.—The Legislature finds that
13 the implementation of the Model Ordinance for Florida-Friendly
14 Fertilizer Use on Urban Landscapes (2008), which was developed
15 by the department in conjunction with the Florida Consumer
16 Fertilizer Task Force, the Department of Agriculture and
17 Consumer Services, and the University of Florida Institute of
18 Food and Agricultural Sciences, will assist in protecting the
19 quality of Florida’s surface water and groundwater resources.
20 The Legislature further finds that local conditions, including
21 variations in the types and quality of water bodies, site-
22 specific soils and geology, and urban or rural densities and
23 characteristics, necessitate the implementation of additional or
24 more stringent fertilizer-management practices at the local
25 government level.

26 Section 4. Section 403.9337, Florida Statutes, is created
27 to read:

28 403.9337 Model Ordinance for Florida-Friendly Fertilizer
29 Use on Urban Landscapes.—

30 (1) All county and municipal governments are encouraged to
31 adopt and enforce the Model Ordinance for Florida-Friendly
32 Fertilizer Use on Urban Landscapes or an equivalent requirement
33 as a mechanism for protecting local surface and groundwater
34 quality.

35 (2) Each county and municipal government located within the
36 watershed of a water body or water segment that is listed as
37 impaired by nutrients pursuant to s. 403.067 must, at a minimum,
38 adopt the Model Ordinance for Florida-Friendly Fertilizer Use on
39 Urban Landscapes. However, a county or municipal government may
40 adopt additional or more stringent provisions than the model



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41 ordinance if:

42 (a) The county or municipality, as part of a comprehensive
43 program to address nonpoint sources of nutrient pollution which
44 is science-based and economically and technically feasible, has
45 demonstrated that additional or more stringent provisions are
46 necessary to adequately address the contribution of urban
47 fertilizer to nonpoint source nutrient loading to a water body.

48 (b) The county or municipality documents that it has
49 considered all relevant scientific information, including input
50 from the department, the Department of Agriculture and Consumer
51 Services, and the University of Florida Institute of Food and
52 Agricultural Sciences, if provided, on the need for additional
53 or more stringent provisions to address fertilizer use as a
54 contributor to water quality degradation. All documentation must
55 become part of the public record before adoption of the
56 additional or more stringent criteria.

57 (3) Any county or municipal government that adopted its own
58 fertilizer-use ordinance before January 1, 2009, is exempt from
59 the provisions of this section. Ordinances adopted or amended on
60 or after January 1, 2009, must substantively conform to the most
61 recent version of the model fertilizer ordinance and are subject
62 to sections (1) and (2), as applicable.

63 (4) This section does not apply to the use of fertilizer on
64 farm operations as defined in s. 823.14 or on lands classified
65 as agricultural lands pursuant to s. 193.461.

66 Section 5. Section 403.9338, Florida Statutes, is created
67 to read:

68 403.9338 Training.—

69 (1) The department, in cooperation with the Institute of



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70 Food and Agricultural Sciences, shall:

71 (a) Provide training and testing programs in urban
72 landscape best-management practices and may issue certificates
73 demonstrating satisfactory completion of training.

74 (b) Approve training and testing programs that are
75 equivalent to or more comprehensive than the training provided
76 by the department in paragraph (a). Such programs must be
77 reviewed and reapproved by the department if significant changes
78 are made. Currently approved programs must be reapproved by July
79 1, 2010.

80 (2) After receiving a certificate demonstrating successful
81 completion of a department or department-approved training
82 program under this section, a person may apply to the Department
83 of Agriculture and Consumer Services to receive a limited
84 certification for urban landscape commercial fertilizer
85 application under s. 482.1562. A person possessing such
86 certification is not subject to additional local testing.

87 Section 6. Present subsections (6) through (27) of section
88 482.021, Florida Statutes, are renumbered as subsections (7)
89 through (28), respectively, present subsection (28) is
90 renumbered as subsection (30), and new subsections (6) and (29)
91 are added to that section, to read:

92 482.021 Definitions.—For the purposes of this chapter, and
93 unless otherwise required by the context, the term:

94 (6) "Commercial fertilizer application" means the
95 application of fertilizer for payment or other consideration to
96 property not owned by the person or firm applying the fertilizer
97 or the employer of the applicator.

98 (29) "Urban landscape" means pervious areas on residential,



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99 commercial, industrial, institutional, highway rights-of-way, or
100 other nonagriculture lands that are planted with turf or
101 horticultural plants. For the purposes of this section
102 agriculture has the same meaning as in s. 570.02.

103 Section 7. Section 482.1562, Florida Statutes, is created
104 to read:

105 482.1562 Limited certification for urban landscape
106 commercial fertilizer application.—

107 (1) To provide a means of documenting and ensuring
108 compliance with best-management practices for commercial
109 fertilizer application to urban landscapes, the department shall
110 establish a limited certification for urban landscape commercial
111 fertilizer application.

112 (2) Beginning January 1, 2014, any person applying
113 commercial fertilizer to an urban landscape must be certified
114 under this section.

115 (3) To obtain a limited certification for urban landscape
116 commercial fertilizer application, an applicant must submit to
117 the department:

118 (a) A copy of the training certificate issued pursuant to
119 s. 403.9338.

120 (b) A certification fee set by the department in an amount
121 of at least \$25 but not more than \$75. Until the fee is set by
122 rule, the fee for certification is \$25.

123 (4) A limited certification for urban landscape commercial
124 fertilizer application issued under this section expires 4 years
125 after the date of issuance. Before applying for recertification
126 under subsection (5), the applicant must complete 4 classroom
127 hours of acceptable continuing education, of which at least 2



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- 128 hours address fertilizer best-management practices.
- 129 (5) An application for recertification must be made at
130 least 90 days before the expiration of the current certificate
131 and be accompanied by:
- 132 (a) Proof of having completed the 4 classroom hours of
133 acceptable continuing education required under subsection (4).
- 134 (b) A recertification fee set by the department in an
135 amount of at least \$25 but not more than \$75. Until the fee is
136 set by rule, the fee for certification is \$25.
- 137 (6) A late renewal charge of \$50 per month shall be
138 assessed 30 days after the date the application for
139 recertification is due and must be paid in addition to the
140 renewal fee. Unless timely recertified, a certificate
141 automatically expires 90 days after the recertification date.
142 Upon expiration, a certificate may be issued only upon
143 reapplying in accordance with section (3).
- 144 (7) Certification under this section does not authorize:
- 145 (a) The application of pesticides to turf or ornamentals,
146 including pesticide fertilizer mixtures;
- 147 (b) The operation of a pest control business; or
- 148 (c) The application of pesticides or fertilizers by
149 unlicensed or uncertified personnel under the supervision of the
150 certified person.
- 151 (8) The department may provide information concerning the
152 certification status of persons certified under this section to
153 other local and state governmental agencies. The department is
154 encouraged to create an on-line data base that lists all persons
155 certified under this section.
- 156 (9) Yard workers who apply fertilizer only to individual



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157 residential properties using fertilizer and equipment provided
158 by the residential property owner or resident are exempt from
159 the requirements of this section.

160 (10) The department may adopt rules to administer this
161 section.

162
163 ===== T I T L E A M E N D M E N T =====

164 And the title is amended as follows:

165 Delete line 13

166 and insert:

167 funds raised through penalties imposed; creating s.
168 403.9335, F.S.; providing a short title; creating s.
169 403.9336, F.S.; providing legislative findings;
170 creating s. 403.9337, F.S.; encouraging county and
171 municipal governments to adopt and enforce the Model
172 Ordinance for Florida-Friendly Fertilizer Use on Urban
173 Landscapes or an equivalent requirement as a mechanism
174 for protecting local surface water and groundwater
175 quality; requiring a county government or municipal
176 government located within the watershed of a water
177 body or water segment that is listed by the Department
178 of Environmental Protection as impaired to adopt the
179 model ordinance; providing that additional or more
180 stringent provisions may be adopted under certain
181 circumstances; providing a timeframe for adopting the
182 model ordinance; providing exceptions; creating s.
183 403.9338, F.S.; requiring the department to establish
184 and approve training and testing programs providing
185 urban landscape best-management practices; providing



186 that such training authorizes a person to apply for a
187 limited certification for urban landscape commercial
188 fertilizer application issued by the Department of
189 Agriculture and Consumer Services; providing that a
190 person having such certification is not subject to
191 additional local testing; amending s. 482.021, F.S. ;
192 defining the terms "commercial fertilizer application"
193 and "urban landscape"; creating s. 482.1562, F.S. ;
194 providing for limited certification for urban
195 landscape commercial fertilizer application provided
196 by the Department of Agriculture and Consumer
197 Services; requiring such certification in order to
198 commercially apply fertilizer, beginning on a certain
199 date; providing requirements and fees; providing for
200 expiration and renewal; authorizing the department to
201 provide information concerning persons who are
202 certified; providing for exceptions to the
203 requirements of certification; authorizing the
204 department to adopt rules; providing an