

By Senator Baker

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1 A bill to be entitled

2 An act relating to the model ordinance for fertilizer
3 use; amending s. 403.9336, F.S.; revising a reference
4 to the Model Ordinance for Florida-Friendly Fertilizer
5 Use on Urban Landscapes; amending s. 403.9337, F.S.;
6 revising the criteria for a local government's
7 adoption of more stringent standards; providing an
8 effective date.

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

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12 Section 1. Section 403.9336, Florida Statutes, is amended
13 to read:

14 403.9336 Legislative findings.—The Legislature finds that
15 the implementation of the Model Ordinance for Florida-Friendly
16 Fertilizer Use on Urban Landscapes (2009) ~~(2008)~~, which was
17 developed by the department in conjunction with the Florida
18 Consumer Fertilizer Task Force, the Department of Agriculture
19 and Consumer Services, and the University of Florida Institute
20 of Food and Agricultural Sciences, will assist in protecting the
21 quality of Florida's surface water and groundwater resources.
22 The Legislature further finds that local conditions, including
23 variations in the types and quality of water bodies, site-
24 specific soils and geology, and urban or rural densities and
25 characteristics, may necessitate ~~the implementation of~~
26 additional or more stringent fertilizer management practices at
27 the local government level.

28 Section 2. Subsection (2) of section 403.9337, Florida
29 Statutes, is amended to read:

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30 403.9337 Model Ordinance for Florida-Friendly Fertilizer
31 Use on Urban Landscapes.—

32 (2) Each county and municipal government located within the
33 watershed of a water body or water segment that is listed as
34 impaired by nutrients pursuant to s. 403.067, must ~~shall~~, at a
35 minimum, adopt the department's Model Ordinance for Florida-
36 Friendly Fertilizer Use on Urban Landscapes within 6 months
37 after being listed. For those counties that currently have a
38 listed water body or water segment, such adoption must be
39 completed by January 1, 2011. A local government may adopt
40 additional or more stringent standards than the model ordinance
41 if, before adoption, the following criteria are met:

42 (a) The local government has implemented ~~demonstrated,~~ as
43 ~~part of~~ a comprehensive program to address nonpoint sources of
44 nutrient pollution and a component of that program requires
45 ~~which is science-based, and economically and technically~~
46 ~~feasible,~~ that additional or more stringent standards than the
47 model ordinance are necessary in order to adequately address
48 ~~urban fertilizer contributions to~~ nonpoint source nutrient
49 loading to a water body. A comprehensive program, adopted after
50 January 1, 2010, must document in the public record the need for
51 more stringent standards, including scientific documentation of
52 the vulnerability of the waters within the local government's
53 jurisdiction to nutrient enrichment due to landforms, soils,
54 hydrology, climate, or geology. The comprehensive program may
55 include:

56 1. Nonpoint source activities adopted as part of a basin
57 management plan developed pursuant to s. 403.067(7);

58 2. Adoption of Florida-friendly landscaping requirements,

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59 as provided in s. 373.185, into the local government's
60 development code; and

61 3. The requirement for and enforcement of the
62 implementation of low-impact development practices.

63 (b) The local government documents that it has requested
64 and considered all relevant scientific information, including
65 input from the department, the institute, the Department of
66 Agriculture and Consumer Services, and the University of Florida
67 Institute of Food and Agricultural Sciences, if provided, on the
68 need for additional or more stringent provisions to address
69 fertilizer use as a contributor to water quality degradation.
70 All documentation must become part of the public record before
71 adoption of the additional or more stringent criteria.

72 Section 3. This act shall take effect July 1, 2010.