



154642

LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/30/2010 10:37 AM

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Senator Bennett moved the following:

**Senate Amendment (with title amendment)**

Between lines 330 and 331

insert:

Section 5. Section 403.9337, Florida Statutes, is amended to read:

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

(1) The department may amend its Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes (2009). However, any amendment of the model ordinance after July 1, 2010, must be adopted by order of the department. Before adopting an amendment to the model ordinance, the department



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14 must hold at least one public workshop to discuss and receive  
15 comments on the proposed amendment. The department, at a  
16 minimum, must notify interested stakeholders of the public  
17 workshop, including representatives of the nursery and landscape  
18 industry, the pest control industry, the Department of  
19 Agriculture and Consumer Services, the University of Florida's  
20 Institute of Food and Agricultural Sciences, environmental  
21 groups, and county and local governments. Such an order amending  
22 the model ordinance is subject to challenge under chapter 120.

23 (2)(1) All county and municipal governments are encouraged  
24 to adopt and enforce the Model Ordinance for Florida-Friendly  
25 Fertilizer Use on Urban Landscapes or an equivalent requirement  
26 as a mechanism for protecting local surface and groundwater  
27 quality.

28 (3)(2) Each county and municipal government located within  
29 the watershed of a water body or water segment that is listed as  
30 impaired by nutrients pursuant to s. 403.067, must shall, at a  
31 minimum, adopt the most recent version of the department's Model  
32 Ordinance for Florida-Friendly Fertilizer Use on Urban  
33 Landscapes.

34 (4) A local government may adopt additional or more  
35 stringent standards than the model ordinance if, before  
36 adoption, one of the following criteria are met:

37 (a) The local government has implemented demonstrated, as  
38 part of a comprehensive program to address nonpoint sources of  
39 nutrient pollution but which is science-based, and economically  
40 and technically feasible, that additional or more stringent  
41 standards than the model ordinance are necessary in order to  
42 adequately address urban fertilizer contributions to nonpoint



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43 source nutrient loading to a water body. In any such instance,  
44 the comprehensive program must be scientifically based and  
45 economically and technically feasible. The comprehensive program  
46 may include, but is not limited to:

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

49 2. Adoption of Florida-friendly landscaping requirements,  
50 as provided in s. 373.185, into the local government's  
51 development code; and

52 3. The requirement for and enforcement of the  
53 implementation of low-impact development practices; or

54 (b) The local government documents in the public record the  
55 need for more stringent standards, including the scientifically  
56 documented impairment of waters within the local government's  
57 jurisdiction by nutrient enrichment due to landforms, soils,  
58 hydrology, climate, or geology.

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

70 (6)~~(3)~~ Any county or municipal government that adopted its  
71 own fertilizer use ordinance before January 1, 2009, is exempt



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72 from this section. Ordinances adopted or amended on or after  
73 January 1, 2009, must substantively conform to the most recent  
74 version of the model fertilizer ordinance and are subject to  
75 subsections (2)-(5) and (7) ~~(1) and (2)~~, as applicable.

76 (7) A fertilizer ordinance adopted by a county or municipal  
77 government may not prohibit an individual certified pursuant to  
78 s. 482.1562 from applying fertilizer during any specified period  
79 of the calendar year. However, a county or municipal government  
80 may require a certified applicator to perform a soil test or  
81 leaf tissue analysis recommended by the University of Florida's  
82 Institute of Food and Agricultural Sciences to demonstrate the  
83 need for nutrient application during any specified period of the  
84 calendar year when the use of fertilizer is restricted or  
85 prohibited by local ordinance. Notwithstanding subsection (6), a  
86 county or municipal government exempt from this section pursuant  
87 to subsection (6) remains exempt if it amends its fertilizer  
88 ordinance on or after January 1, 2009, to comply with this  
89 subsection.

90 (8) ~~(4)~~ This section does not apply to the use of  
91 fertilizer:

92 (a) On farm operations as defined in s. 823.14; ~~or~~

93 (b) On lands classified as agricultural lands pursuant to  
94 s. 193.461; or

95 (c) On any lands used for scientific research, including, but  
96 not limited to, research on the effects of fertilizer use on  
97 urban stormwater, water quality, agronomics, or horticulture.

98  
99 ===== T I T L E A M E N D M E N T =====

100 And the title is amended as follows:



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101 Delete line 24  
102 and insert:  
103 Landscapes; amending s. 403.9337, F.S.; providing for  
104 amendment of the model ordinance by the Department of  
105 Environmental Protection; revising the criteria for a  
106 local government's adoption of additional or more  
107 stringent standards; providing exemptions; amending s.  
108 487.163, F.S.; requiring the