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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/30/2010 11:58 AM

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Senator Baker 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) ~~(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 to demonstrate the need for nutrient
82 application during any specified period of the calendar year
83 when the use of fertilizer is restricted or prohibited by local
84 ordinance. Notwithstanding subsection (6), a county or municipal
85 government exempt from this section pursuant to subsection (6)
86 remains exempt if it amends its fertilizer ordinance on or after
87 January 1, 2009, to comply with this subsection.

88 (8)~~(4)~~ This section does not apply to the use of
89 fertilizer:

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

91 (b) On lands classified as agricultural lands pursuant to
92 s. 193.461; or

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

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97 ===== T I T L E A M E N D M E N T =====

98 And the title is amended as follows:

99 Delete line 24

100 and insert:



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