



425692

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2011	.	
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The Committee on Agriculture (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 70 - 137

and insert:

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

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



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14 Section 3. Subsection (16) of section 570.07, Florida
15 Statutes, is amended, present subsection (41) is renumbered as
16 subsection (42), and a new subsection (41) is added to that
17 section, to read:

18 570.07 Department of Agriculture and Consumer Services;
19 functions, powers, and duties.—The department shall have and
20 exercise the following functions, powers, and duties:

21 (16) To enforce the state laws and rules relating to:

22 (a) Fruit and vegetable inspection and grading.†

23 (b) Pesticide spray, residue inspection, and removal.†

24 (c) Registration, labeling, inspection, and analysis of
25 commercial stock feeds and commercial fertilizers.†

26 (d) Classification, inspection, and sale of poultry and
27 eggs.†

28 (e) Registration, inspection, and analysis of gasolines and
29 oils.†

30 (f) Registration, labeling, inspection, and analysis of
31 pesticides.†

32 (g) Registration, labeling, inspection, germination
33 testing, and sale of seeds, both common and certified.†

34 (h) Weights, measures, and standards.†

35 (i) Foods, as set forth in the Florida Food Safety Act.†

36 (j) Inspection and certification of honey.†

37 (k) Sale of liquid fuels.†

38 (l) Licensing of dealers in agricultural products.†

39 (m) Administration and enforcement of all regulatory
40 legislation applying to milk and milk products, ice cream, and
41 frozen desserts.†

42 n) Recordation and inspection of marks and brands of



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- 43 livestock. ~~and~~
44 (o) Regulation of fertilizer, including the sale,
45 composition, formulation, packaging, and distribution.
46 (p) Regulation of the use and application of fertilizer.
47 (q) ~~(n)~~ All other regulatory laws relating to agriculture.
48

49 In order to ensure uniform health and safety standards, the
50 adoption of standards and fines in the subject areas of
51 paragraphs (a)-(o) ~~(a)-(n)~~ is expressly preempted to the state
52 and the department. Any local government enforcing the subject
53 areas of paragraphs (a)-(o) ~~(a)-(n)~~ must use the standards and
54 fines set forth in the pertinent statutes or any rules adopted
55 by the department pursuant to those statutes. In order to ensure
56 uniform health safety standards and fines in the subject area of
57 paragraph (p), counties or municipal governments are hereby
58 authorized to enforce the provisions of the Model Ordinance for
59 Florida-Friendly Fertilizer Use on Urban Landscapes, as setforth
60 in 403.9337, in their respective jurisdictions.

61 (41) The department has exclusive authority to regulate the
62 sale, composition, formulation, packaging, use, application, and
63 distribution of fertilizer under chapter 576. This subsection
64 expressly preempts such regulation of fertilizer to the state
65 and the department. Such regulation of fertilizer by a county,
66 municipality, or other political subdivision is void, regardless
67 of when adopted.

68 Section 4. Subsection (5) is added to section 576.181,
69 Florida Statutes, to read:

70 576.181 Administration; rules; procedure; preemption.-

71 (5) The department has exclusive authority to regulate the



72 sale, composition, formulation, packaging, use, application, and
73 distribution of fertilizer. This subsection expressly preempts
74 such regulation of fertilizer to the state and the department.
75 Such regulation of fertilizer by a county, municipality, or
76 other political subdivision is void, regardless of when adopted.
77 Counties or municipal governments are hereby authorized to
78 enforce the provisions of the Model Ordinance for Florida-
79 Friendly Fertilizer Use on Urban Landscapes, as setforth in
80 403.9337, in their respective jurisdictions.

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

86 And the title is amended as follows:

87 Delete lines 10 - 18

88 and insert:

89 F.S.; requiring the Department of Agriculture and
90 Consumer Services to regulate the sale, composition,
91 formulation, packaging, use, application, and
92 distribution of fertilizer; preempting such regulation
93 of fertilizer to the state and the department;
94 specifying that such regulation of fertilizer by
95 counties, municipalities, and other political
96 subdivisions is void; authorizing local governments to
97 provide enforcement of the provisions of the Model
98 Ordinance; providing an effective date.