



665304

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/06/2012	.	
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The Committee on Environmental Preservation and Conservation (Latvala) recommended the following:

1 **Senate Substitute for Amendment (152126) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Present subsections (1) through (8) of section
7 482.1562, Florida Statutes, are renumbered as subsections (2)
8 through (9), respectively, a new subsection (1) is added to that
9 section and present subsections (2), and (8) of that section are
10 amended, to read:

11 482.1562 Limited certification for urban landscape
12 commercial fertilizer application.-



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13 (1) The Legislature finds that the implementation of best
14 management practices for commercial fertilizer application to
15 urban landscapes is a critical component of the state's efforts
16 to minimize potential impacts to water quality.

17 (3) ~~(2)~~ Beginning January 1, 2014, any person applying
18 commercial fertilizer to an urban landscape must be certified
19 under this section. A person certified under this section must
20 follow the most recent version of the Model Ordinance for
21 Florida-Friendly Fertilizer Use on Urban Landscapes.

22 (a) A person certified under this section is exempt from
23 seasonal or calendar-based prohibited application period bans
24 within local government ordinances that address the
25 fertilization of urban turfs, lawns and landscapes; however, a
26 county or municipal government which has adopted an ordinance
27 prior to January 1, 2012, which contain a seasonal or calendar-
28 based prohibited application period, may continue to enforce the
29 ordinance within its jurisdiction.

30 (b) Notwithstanding paragraph (a), within 90 days of the
31 effective date of this act, a county or municipal government
32 with an existing seasonal or calendar-based prohibited
33 application period ban shall establish a reasonable process
34 whereby a person certified under this section may apply for a
35 variance from the prohibited application period ban to apply
36 nutrients to damaged turf and landscape plants based on industry
37 recognized tests and standards that demonstrate a need for
38 nutrients on a site-specific basis. Between July 1, 2012, and
39 the date at which a county or municipal government establishes a
40 process under the provisions of this paragraph, a certified
41 commercial fertilizer applicator may apply nutrients to damaged



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42 turf and landscape plants based on industry recognized tests and
43 standards that demonstrate a need for nutrients on a site-
44 specific basis.

45
46 For the limited purposes of an ordinance amended to include the
47 provisions of paragraph (b), ss. 403.9337(3), 570.07(41)(b), and
48 576.181(5)(b), do not apply.

49 (c) Paragraphs (a) and (b) shall sunset on July 1, 2017,
50 unless reauthorized by the Legislature.

51 (9)(8) The department shall may provide information
52 concerning the certification status of persons certified under
53 this section to other local and state governmental agencies. The
54 department is encouraged to create an online database that lists
55 all persons certified under this section.

56 Section 2. Subsections (5) and (6) are added to section
57 403.9337, Florida Statutes, to read:

58 (5) The provisions of s. 482.1562(3) do not limit the
59 authority of the department or water management districts
60 pursuant to chapter 373 or chapter 403 to adopt rules or issue
61 orders relating to fertilizer practices that are necessary to
62 achieve compliance with applicable water quality standards or to
63 implement federally authorized or delegated programs.

64 (6) The department shall submit a report on the
65 effectiveness of seasonal or calendar-based prohibited
66 application periods for the fertilization of urban turfs, lawns
67 and landscapes on the water quality of the state to the
68 Governor, President of the Senate and the Speaker of the House
69 of Representatives, by December 31, 2016.

70 Section 3. This act shall take effect July 1, 2012.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to limited certification for urban
landscape commercial fertilizer application; amending s.
482.1562, F.S.; providing legislative findings; requiring
persons who hold a limited certification to follow the Model
Ordinance for Florida-Friendly Fertilizer Use on Urban
Landscapes; providing exemptions; requiring local governments to
establish a variance process; allowing application of fertilizer
during certain periods; providing for sunset of certain
provisions; requiring the Department of Agriculture and Consumer
Services to provide specified information to other local and
state governmental agencies; amending s. 403.9337, F.S.;
allowing the Department of Environmental Protection to adopt
certain rules; requiring a report; providing an effective date.