

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Raburn offered the following:

Amendment (with title amendment)

Between lines 911 and 912, insert:

Section 28. Florida Fertilizer Regulatory Review Council.-

(1) The Legislature finds that:

(a) A science-based approach to the protection of the state's waterways is in the public interest of the state.

(b) Varying state and local regulations govern the regulation of nonagricultural fertilizer or its use, and inconsistencies resulting from varying regulations may affect commerce and impact water quality in this state.

(c) It is advisable to identify practices or a combination of practices, which, based on field testing, expert review, and scientific information, individually or cumulatively protect the quality of water in the state.

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17 (2) There is created the Florida Fertilizer Regulatory
18 Review Council for the purpose of:

19 (a) Performing a comprehensive review of existing
20 scientific data relating to the environmental fate of nutrients
21 in urban settings. Such review shall include to the greatest
22 extent practical:

23 1. The sources of nutrients.

24 2. The origin of nutrient sources.

25 3. An estimate of the percentage of nutrients contributed
26 by each nutrient source.

27 4. Nutrient enrichment impacts of nonagricultural
28 fertilizers on surface waters.

29 5. An assessment of technically and economically feasible
30 management strategies for reducing water quality impacts
31 associated with the regulation of nonagricultural fertilizer or
32 its use including, but not limited to, prohibited application
33 periods, setbacks from water bodies, and identification of
34 additional research needs.

35 (b) Performing a comprehensive review of the Department of
36 Agriculture and Consumer Services' rule 5E-1.003(2), Florida
37 Administrative Code; the Department of Environmental
38 Protection's Model Ordinance for Florida-Friendly Fertilizer Use
39 on Urban Landscapes 2010; and all local ordinances in the state
40 regulating nonagricultural fertilizer or its use.

41 (c) Reviewing existing state laws and rules relating to
42 the regulation of nonagricultural fertilizer or its use.

43 (d) Recommending technically-feasible, economically-
44 feasible, and enforceable methods and management strategies,

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45 based upon best available data and science, that promote
46 consistency in state and local regulation of nonagricultural
47 fertilizer or its use where possible while balancing the need to
48 accommodate reasonable regional and local differences necessary
49 to meet state water quality standards.

50 (e) Holding public hearings and taking public testimony
51 concerning the regulation of nonagricultural fertilizers or its
52 use as well as related matters.

53 (f) Recommending amendments to the Department of
54 Environmental Protection's Model Ordinance for Florida-Friendly
55 Fertilizer Use on Urban Landscapes 2010 based upon the council's
56 findings after considering consistency with the Department of
57 Agriculture and Consumer Services' rule 5E-1.003(2), Florida
58 Administrative Code.

59 (g) Recommending state policies for the regulation of
60 nonagricultural fertilizer or its use, including identification
61 of additional research that may inform future state policies.

62 (3) The council shall be composed of 15 members as
63 follows:

64 (a) Four members appointed by the Secretary of
65 Environmental Protection, one of whom shall be the Secretary or
66 his or her designee and shall serve as the department's
67 representative, one of whom shall be a representative of the
68 environmental community, one of whom shall be a water quality
69 scientist with experience in addressing water quality issues in
70 Florida, and one of whom shall be a representative of a water
71 management district.

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72 (b) Four members appointed by the Commissioner of
73 Agriculture, one of whom shall be a representative of the
74 Department of Agriculture and Consumer Services, one of whom
75 shall be a representative of the University of Florida Institute
76 of Food and Agricultural Sciences, one of whom shall be a member
77 of the retail industry in the state, and one of whom shall be a
78 representative of the University of Florida Water Institute.

79 (c) Two members appointed by the President of the Senate,
80 one of whom shall be a representative of the pest control trade
81 associations in the state and one of whom shall be a
82 representative of the Florida Golf Course Superintendents
83 Association.

84 (d) Two members appointed by the Speaker of the House of
85 Representatives, one of whom shall be a representative of the
86 fertilizer industry in the state and one of whom shall be a
87 representative of the landscape and lawn care trade associations
88 in the state.

89 (e) One member appointed by the Florida League of Cities.

90 (f) One member appointed by the Florida Association of
91 Counties.

92 (g) One member appointed by the Florida Stormwater
93 Association.

94 (h) Each person or entity appointing members to the
95 council shall appoint an alternate member for each position on
96 the council in the same manner as each primary member is
97 appointed. An alternate member may attend and participate in
98 public meetings of the council in the absence of the primary
99 member, but may not vote as a member of the council. In the

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100 event of a vacancy in a position on the council, the alternate
101 member for the vacant position shall serve on the council as a
102 voting member until the vacancy is filled by the person or
103 entity responsible for appointing a member to that position.

104 (i) Appointments of members and alternate members to the
105 council must be made on or before September 1, 2013.

106 (j) A council member or alternate member may not be a
107 registered lobbyist of any association, group, or entity
108 represented on the council. This prohibition does not apply to
109 the representative of the Department of Environmental
110 Protection, the Department of Agriculture and Consumer Services,
111 the water management districts, the University of Florida
112 Institute for Food and Agricultural Sciences, or the University
113 of Florida Water Institute.

114 (k) Private sector members of the council may not receive
115 per diem or reimbursement for travel expenses from the state.

116 (4) The council shall operate as follows:

117 (a) The two members representing the Department of
118 Agriculture and Consumer Services and the Department of
119 Environmental Protection shall serve as co-chairs of the
120 council. The representative of the Department of Agriculture and
121 Consumer Services shall call the first meeting of the council.

122 (b) The council shall be staffed and funded jointly by the
123 Department of Agriculture and Consumer Services and the
124 Department of Environmental Protection.

125 (c) The council is assigned to the Department of
126 Agriculture and Consumer Services for administrative purposes.

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127 (d) At least eight voting members must be present for the
128 council to conduct business. Members may not vote by proxy.
129 Except as provided in this section, Roberts Rules of Order Newly
130 Revised apply to all meetings and actions taken by the council.

131 (e) The council's first meeting must be held within 30
132 days after all primary members are appointed, and the council
133 must conduct a minimum of 10 public meetings. The location of
134 the council's public meetings must be geographically distributed
135 throughout the state with the final meeting held in Tallahassee
136 during a regularly scheduled legislative committee week before
137 January 1, 2016.

138 (f) The council shall submit a written report, including
139 its recommendations and findings, which must be approved by an
140 affirmative vote of at least eight voting members of the
141 council, to the Governor, the President of the Senate, the
142 Speaker of the House of Representatives, the Commissioner of
143 Agriculture, and the Secretary of Environmental Protection on or
144 before January 15, 2016.

145 (5) The council is dissolved January 15, 2016, or upon
146 submission of the report pursuant to paragraph (4) (f), whichever
147 occurs first.

148 Section 29. (1) Between July 1, 2013, and June 30, 2016,
149 local governments may not adopt new ordinances to regulate
150 nonagricultural fertilizer or its use. However, a local
151 government may adopt by ordinance the Department of
152 Environmental Protection's Model Ordinance for Florida-Friendly
153 Fertilizer Use on Urban Landscapes 2010.

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154 (2) An ordinance adopted after March 4, 2013, and before
 155 July 1, 2013, to regulate nonagricultural fertilizer or its use
 156 shall not be enforced before July 1, 2016, unless it is the
 157 Department of Environmental Protection's Model Ordinance for
 158 Florida-Friendly Fertilizer Use on Urban Landscapes 2010.

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

162 Between lines 99 and 100, insert:
 163 creating the Florida Fertilizer Regulatory Review
 164 Council; providing legislative findings; providing for
 165 the council's purpose, membership, and duties;
 166 providing for the council to be staffed and funded
 167 jointly by the Department of Agriculture and Consumer
 168 Services and the Department of Environmental
 169 Protection; requiring the council to submit a report
 170 to the Governor, Legislature, and specified officials;
 171 providing for dissolution of the council; prohibiting
 172 local governments from adopting or enforcing certain
 173 ordinances; providing an exception;