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21 scientific data relating to the environmental fate of nutrients
22 in urban settings. Such review shall include to the greatest
23 extent practical:

24 1. The sources of nutrients.

25 2. The origin of nutrient sources.

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

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

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

36 (b) Performing a comprehensive review of the Florida
37 Department of Agriculture and Consumer Services' rule 5E-
38 1.003(2), Florida Administrative Code (commonly known as "The
39 Urban Turf Fertilizer Rule"); the Department of Environmental
40 Protection's MODEL ORDINANCE FOR FLORIDA-FRIENDLY USE OF
41 FERTILIZER ON URBAN LANDSCAPES 2010; and all local ordinances in
42 this state regulating nonagricultural fertilizer or its use.

43 (c) Reviewing existing state statutes and rules relating
44 to the regulation of nonagricultural fertilizer or its use.

45 (d) Recommending technically-feasible, economically-
46 feasible, and enforceable methods and management strategies,
47 based upon best available data and science, that promote
48 consistency in state and local regulation of nonagricultural

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49 fertilizer or its use where possible while balancing the need to
50 accommodate reasonable regional and local differences necessary
51 to meet state water quality standards.

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

55 (f) Recommending amendments to the Department of
56 Environmental Protection's MODEL ORDINANCE FOR FLORIDA-FRIENDLY
57 USE OF FERTILIZER ON URBAN LANDSCAPES 2010 based upon the
58 Council's findings after considering consistency with the
59 Department of Agriculture and Consumer Services' rule 5E-
60 1.003(2), Florida Administrative Code (commonly known as "The
61 Urban Turf Fertilizer Rule").

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

65 (3) The Council shall be composed of 13 members as
66 follows:

67 (a) Three members appointed by the Secretary of the
68 Department of Environmental Protection, one of whom shall be the
69 Secretary or his or her designee and shall serve as the
70 department's representative, one of whom shall be a
71 representative of the environmental community, and one of whom
72 shall be a representative of a water management district.

73 (b) Three members appointed by the Commissioner of
74 Agriculture, one of whom shall be a representative of the
75 Department of Agriculture and Consumer Services, one of whom
76 shall be a representative of the University of Florida's

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77 Institute for Food and Agricultural Sciences, and one of whom
78 shall be a representative of the University of Florida's Water
79 Institute.

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

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

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

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

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

95 (h) Each person or entity appointing members to the
96 Council shall appoint an alternate member for each position on
97 the Council in the same manner as each primary member is
98 appointed. An alternate member may attend and participate in
99 public meetings of the Council in the absence of the primary
100 member, but may not vote as a member of the Council. In the
101 event of a vacancy in a position on the Council, the alternate
102 member for the vacant position shall serve on the Council as a
103 voting member until the vacancy is filled by the person or
104 entity responsible for appointing a member to that position.

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

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

115 (4) The Council shall operate as follows:

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

127 (d) At least seven 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 shall apply to all meetings and actions taken by the
131 Council.

132 (e) The Council's first meeting must be held within 30

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133 days after all primary members are appointed, and the Council
134 must conduct a minimum of 10 public meetings. The location of
135 the Council's public meetings must be geographically distributed
136 throughout this state with the final meeting held in Tallahassee
137 during a regularly scheduled legislative committee week prior to
138 January 1, 2016.

139 (f) The Council shall be dissolved on January 15, 2016, or
140 upon submission of the report required by subsection (5),
141 whichever occurs first.

142 (5) The Council shall submit a written report, including
143 its recommendations and findings, which must be approved by an
144 affirmative vote of at least seven voting members of the
145 Council, to the Governor, the President of the Senate, the
146 Speaker of the House of Representatives, the Commissioner of
147 Agriculture, and the Secretary of the Department of
148 Environmental Protection on or before January 15, 2016.

149 (6) Private sector members of the Council shall not
150 receive from the state per diem or reimbursement for travel
151 expenses.

152 (7) (a) Between July 1, 2013 and June 30, 2016, local
153 governments may not adopt new ordinances to regulate
154 nonagricultural fertilizer or its use. However, a local
155 government may adopt by ordinance the Department of
156 Environmental Protections' MODEL ORDINANCE FOR FLORIDA-FRIENDLY
157 USE OF FERTILIZER ON URBAN LANDSCAPES 2010.

158 (b) An ordinance adopted after March 4, 2013, and before
159 July 1, 2013, to regulate nonagricultural fertilizer or its use
160 shall not be enforced unless it is the Department of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 999 (2013)

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161 Environmental Protections' MODEL ORDINANCE FOR FLORIDA-FRIENDLY
162 USE OF FERTILIZER ON URBAN LANDSCAPES 2010.

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