

1 A bill to be entitled
2 An act relating to fertilizers; amending s. 403.9336,
3 F.S.; providing legislative intent regarding the use
4 of specified slow-release fertilizers in helping
5 control water pollution and enhancing overall water
6 quality; amending s. 403.9337, F.S.; requiring, rather
7 than encouraging, county and municipal governments to
8 adopt and enforce the Model Ordinance for Florida-
9 Friendly Fertilizer Use on Urban Landscapes;
10 specifying that county and municipal governments must
11 require the use of specified slow-release fertilizers;
12 providing additional requirements for counties and
13 municipalities within estuary runoff areas;
14 authorizing county and municipal governments to adopt
15 additional standards if certain criteria are met;
16 providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Section 403.9336, Florida Statutes, is amended
21 to read:

22 403.9336 Legislative findings and intent.—

23 (1) The Legislature finds that:

24 (a) Nitrogen pollution has become a problem due to the
25 volume of fertilizers applied to residential lawns. Fertilizers

26 | applied during the summer rainy season cause nitrogen to wash
 27 | into the waterways and cause additional pollution and harm to
 28 | the marine animals within those waters.

29 | (b) The use of fertilizers that contain a slow-release
 30 | nitrogen component will help control water pollution and enhance
 31 | overall water quality.

32 | (c) The implementation of the Model Ordinance for Florida-
 33 | Friendly Fertilizer Use on Urban Landscapes (2008), which was
 34 | developed by the department in conjunction with the Consumer
 35 | Fertilizer Task Force, the Department of Agriculture and
 36 | Consumer Services, and the University of Florida Institute of
 37 | Food and Agricultural Sciences, will assist in protecting the
 38 | quality of Florida's surface water and groundwater resources.

39 | (d) The Legislature further finds that Local conditions,
 40 | including variations in the types and quality of water bodies,
 41 | site-specific soils and geology, and urban or rural densities
 42 | and characteristics, may necessitate the implementation of
 43 | ~~additional or more~~ stringent fertilizer management practices at
 44 | the local government level.

45 | (2) Therefore, the Legislature intends to increase the
 46 | quality of Florida's water resources through the use of the
 47 | Model Ordinance for Florida-Friendly Fertilizer Use on Urban
 48 | Landscapes and the application of fertilizers that contain a
 49 | slow-release nitrogen component.

50 | Section 2. Section 403.9337, Florida Statutes, is amended

51 to read:

52 403.9337 Model Ordinance for Florida-Friendly Fertilizer
53 Use on Urban Landscapes.—

54 (1) Each ~~All~~ county and municipal government ~~governments~~
55 shall ~~are encouraged to~~ adopt and enforce the most recent
56 version of the Model Ordinance for Florida-Friendly Fertilizer
57 Use on Urban Landscapes ~~or an equivalent requirement as a~~
58 ~~mechanism for protecting local surface and groundwater quality.~~

59 (2) Each county and municipal government shall require the
60 use of fertilizers that contain at least a 50-percent, slow-
61 release nitrogen component for residential lawn use.

62 (3) (a) In addition, each county and municipal government
63 within an estuary runoff area shall implement and enforce a lawn
64 fertilizing holiday to ban the application of fertilizers on
65 established residential lawns from June 1 to September 30
66 annually. Each such government may develop criteria to be used
67 in determining which lawns are considered established. For
68 purposes of this section, the term "estuary runoff area" means
69 any part of a county or municipality where stormwater runoff
70 flows to an estuary, as defined in s. 373.403.

71 (b) Each county and municipal government within an estuary
72 runoff area shall identify setbacks from water bodies within
73 those areas and shall prohibit the application of fertilizers on
74 residential lawns within those setbacks.

75 (4) ~~Each county and municipal government located within~~

76 | ~~the watershed of a water body or water segment that is listed as~~
 77 | ~~impaired by nutrients pursuant to s. 403.067, shall, at a~~
 78 | ~~minimum, adopt the department's Model Ordinance for Florida-~~
 79 | ~~Friendly Fertilizer Use on Urban Landscapes. A county or~~
 80 | ~~municipal local government may adopt additional ~~or more~~~~
 81 | ~~stringent standards than the model ordinance if the following~~
 82 | ~~criteria are met:~~

83 | (a) The county or municipal local government has
 84 | ~~demonstrated, as part of a comprehensive program to address~~
 85 | ~~nonpoint sources of nutrient pollution which is science based,~~
 86 | ~~and economically and technically feasible, that additional ~~or~~~~
 87 | ~~more stringent standards than the model ordinance are necessary~~
 88 | ~~in order to adequately address urban fertilizer contributions to~~
 89 | ~~nonpoint source nutrient loading to a water body.~~

90 | (b) The county or municipal local government documents
 91 | ~~that it has considered all relevant scientific information,~~
 92 | ~~including input from the department, the institute, the~~
 93 | ~~Department of Agriculture and Consumer Services, and the~~
 94 | ~~University of Florida Institute of Food and Agricultural~~
 95 | ~~Sciences, if provided, on the need for additional or more~~
 96 | ~~stringent provisions to address fertilizer use as a contributor~~
 97 | ~~to water quality degradation. All documentation must become ~~part~~~~
 98 | ~~of the public record before adoption of the additional or more~~
 99 | ~~stringent criteria.~~

100 | ~~(3) Any county or municipal government that adopted its~~

101 ~~own fertilizer use ordinance before January 1, 2009, is exempt~~
102 ~~from this section. Ordinances adopted or amended on or after~~
103 ~~January 1, 2009, must substantively conform to the most recent~~
104 ~~version of the model fertilizer ordinance and are subject to~~
105 ~~subsections (1) and (2), as applicable.~~

106 (5)~~(4)~~ This section does not apply to the use of
107 fertilizer on farm operations as defined in s. 823.14 or on
108 lands classified as agricultural lands pursuant to s. 193.461.

109 Section 3. This act shall take effect July 1, 2019.