The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL:	SB 1556
INTRODUCER:	Senator Gruters
SUBJECT:	Golf Course Best Management Practices Certification
DATE:	January 21, 2022
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	**Pre-meeting**
2.			AEG	
3.			AP	

I. Summary:

SB 1556 provides for golf course best management practices (BMPs) certification. The bill directs the Department of Environmental Protection (DEP) to work with the turfgrass science program at the University of Florida Institute of Food and Agricultural Sciences to administer a golf course BMPs certification to ensure compliance with fertilizer BMPs.

The bill requires DEP to provide training and testing certification programs. The bill requires an applicant for certification to submit a copy of the training certificate and a fee. Recertification is available when the certificate expires. The bill requires eight classroom hours of continuing education and a recertification fee.

The bill exempts a person certified in golf course BMPs from additional local testing and local ordinances relating to water and fertilizer use restrictions, unless a state of emergency is declared.

The bill directs DEP to adopt rules to implement golf course BMPs certification.

II. Present Situation:

Water Quality and Nutrients

Phosphorus and nitrogen are naturally present in water and are essential nutrients for the healthy growth of plant and animal life.[1] The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive nitrogen and phosphorus can cause significant water quality problems.[2]

[1] U.S. Environmental Protection Agency, *The Issue*, https://www.epa.gov/nutrientpollution/issue (last visited Jan. 19, 2022).
[2] *Id.*

Phosphorus and nitrogen are derived from natural and human-made sources.[3] Human-made sources include sewage disposal systems (wastewater treatment facilities and septic systems), overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.[4]

Excessive nutrient loads may result in harmful algal blooms, nuisance aquatic weeds, and the alteration of the natural community of plants and animals.[5] Dense, harmful algal blooms can also cause human health problems, fish kills, problems for water treatment plants, and impairment of the aesthetics and taste of waters. Growth of nuisance aquatic weeds tends to increase in nutrient-enriched waters, which can impact recreational activities.[6]

Best Management Practices

Best management practices (BMPs) are designed to protect water resources from nonpoint source pollution,[7] occurring from operations like agriculture, golf courses, forestry, and stormwater management.[8] Best management practices are practical measures that can reduce the effects of fertilizer, nutrients, and water use on the environment and otherwise manage the landscape to further protect water resources.[9]

Producers of nonpoint source pollution included in a basin management action plan (BMAP)[10] must comply with the established pollutant reductions by either implementing the appropriate BMPs or by conducting water quality monitoring.[11] A nonpoint source discharger may be subject to enforcement action by the Department of Environmental Protection (DEP) or a water management district based on a failure to implement these requirements.[12]

---

[3] *Id.*
[4] U.S. Environmental Protection Agency (EPA), *Sources and Solutions*, https://www.epa.gov/nutrientpollution/sources-and-solutions (last visited Jan. 19, 2022).
[5] EPA, *The Issue*, https://www.epa.gov/nutrientpollution/issue (last visited Jan. 19, 2022).
[6] *Id.*
[7] Point sources are "any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged." Nonpoint sources are not point sources. Fla. Admin. Code R. 62-620.200(37).
[8] University of Florida Institute of Food and Agricultural Sciences (UF/IFAS), *Best Management Practices*, https://hort.ifas.ufl.edu/yourfloridalawn/bmps.shtml (last visited Jan. 20, 2022); DEP, *NPDES Stormwater Program*, https://floridadep.gov/Water/Stormwater (last visited Jan. 19, 2022).
[9] UF/IFAS, *Agricultural Best Management Practices*, https://bmp.ifas.ufl.edu/about-bmps/ (last visited Jan. 20, 2022).
[10] BMAPs are one of the primary mechanisms the Department of Environmental Protection (DEP) uses to address the entire pollution load for a watershed, including point and nonpoint discharges. Section 403.067(7), F.S.
[11] Section 403.067(7)(b)2.g., F.S. For example, BMPs for agriculture include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.
[12] Section 403.067(7)(b)2.h., F.S.

Golf Course BMPs for Fertilizer Application

The Florida golf course industry is the largest of any state.[13] As of 2019, there were 1,306 golf courses and 986 golf facilities in Florida.[14] Site placement and management of golf courses can create environmental harms, but BMPs can help mitigate harms or provide environmental benefits.[15]

Golf course BMPs attempt to curb excessive and unnecessary fertilization to prevent water pollution due to nutrient runoff or leaching from saturated or compacted soils.[16] BMPs for nutrient applications focus on maximizing plant uptake and include suggestions to:

- Follow University of Florida Institute of Food and Agricultural Sciences nitrogen (N) application rates;
- Apply nutrients when turfgrass is actively growing;
- Apply slow-release N fertilizers at the appropriate time of year, taking into consideration the release rate of the chosen material;
- Take into account that putting greens, tees, and landing areas require more nutrition than other areas like fairways and roughs;
- Exercise caution when applying nutrients during turfgrass establishment, because they are more susceptible to leaching and runoff at that time;
- During establishment, use appropriate rates and products to minimize N loss due to increased water applications, increased nutrients rates, and reduced root mass;
- Be aware of the pros and cons of different nutrient spreaders;
- Calibrate the chosen nutrient spreader properly;
- Properly store, load, and clean up fertilizer to reduce environmental risk;
- Avoid applying fertilizer to soils that are at or near saturation, or when the National Weather Service has issued a flood, tropical storm, or hurricane warning, or if heavy rains are forecast in the next 24 hours;
- When using fertigation,[17] ensure that irrigation heads are properly aligned and adjusted to ensure no nutrient-loaded irrigation water is being applied to lakes and wetlands.[18]

Golf course BMPs also focus on other areas of landscape management to protect environmental resources, including:

- Planning, design, and construction;
- Irrigation;
- Cultural practices;
- Lake and aquatic management;
- Turf pest and pesticide management;
- Maintenance operations;
- Pollinator protection; and

[13] *BMPs for the Enhancement of Env. Quality on FL Golf Courses*, 14 (Sept. 2021), *available at* http://flgolfbmp.com/view-the-bmp-guide (last visited Jan. 19, 2022).
[14] *Id.*
[15] *Id.* at 15.
[16] *Id.* at 144.
[17] Fertigation is fertilizer application through an irrigation system. *Id.* at 152.
[18] *Id.* at 153.

- Energy conservation.[19]

Green Industries BMP Certification

The University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS) currently offers the Green Industries BMPs program, which teaches environmentally safe landscaping practices that protect water quality and natural resources.[20] The program was created for people working in lawn-care and landscape maintenance. The program includes golf course employees among those who benefit from green industries BMPs training.[21]

III. Effect of Proposed Changes:

Section 1 creates s. 403.9339, F.S., relating to golf course best management practices (BMPs) certification. The bill requires the Department of Environmental Protection (DEP) to work with the turfgrass science program at the University of Florida Institute of Food and Agricultural Sciences to administer a certification for golf course BMPs as a means of documenting and ensuring compliance with BMPs for fertilizer application to golf courses.

The bill requires DEP to:
- Provide training and testing programs in golf course BMPs and may issue certificates demonstrating satisfactory completion of the training.
- Approve training and testing programs in golf course BMPs in the future that are equivalent to or more comprehensive that the original training and testing programs. The programs must be reviewed and reapproved by DEP if significant changes are made.

The bill requires an applicant to submit the following to DEP to obtain a golf course BMPs certification:
- A copy of the training certificate issued by DEP, and
- A certification fee of at least $50 but not more than $100. Until the fee is set by DEP rule, the fee is $50.

The bill provides that a golf course BMPs certification expires four years after the date of issuance. Upon expiration or after a grace period of not more than 30 days after the expiration date, a recertification may be reissued. The bill specifies that before applying for recertification, an applicant must complete eight classroom hours of acceptable continuing education, including at least two hours addressing fertilizer BMPs.

The bill requires an applicant to submit the following to DEP to obtain golf course BMPs recertification:
- Proof of completion of the eight classroom hours of continuing education, and
- A recertification fee of at least $50 but not more than $100. Until the fee is set by DEP rule, the fee is $50.

[19] *Id.* at 3-4.
[20] UF/IFAS, *Green Industries BMPs*, https://gibmp.ifas.ufl.edu/ (last visited Jan. 20, 2022); UF/IFAS, *FL Friendly Landscaping Program*, https://ffl.ifas.ufl.edu/ffl-and-you/gi-bmp-program/ (last visited Jan. 20, 2022).
[21] *Id.*

The bill provides that a person certified in golf course BMPs is exempt from:
- Additional local testing; and
- Local ordinances relating to water and fertilizer use blackout periods or restrictions, unless a state of emergency is declared.

The bill provides that DEP may provide the certification status of persons certified in golf course BMPs to local and state governmental entities. The bill encourages DEP to create a registry of persons certified in golf course BMPs.

The bill directs DEP to adopt rules to administer this section.

Section 2 provides an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The bill provides for golf course BMPs certification and recertification fees of $50 to be collected by the Department of Environmental Protection. Article VII, section 19 of the Florida Constitution prohibits the imposition or authorization of a new state fee except through legislation approved by the governor and two-thirds of the membership of both the House of Representatives and the Senate. Further, a state fee must be contained in a separate, single-subject bill.[22]

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

[22] FLA. CONST. art. VII, s. 19.

B. Private Sector Impact:

None.

C. Government Sector Impact:

DEP may incur costs in administering training and testing certification programs and continuing education in golf course best management practices. Program fees may have a positive fiscal impact on DEP.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 403.9339 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.