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1 A bill to be entitled

2 An act relating to protecting urban and residential

3 environments and water; creating s. 403.9335, F.S.;

4 providing a short title; creating s. 403.9336, F.S.;

5 providing legislative findings; creating s. 403.9337,

6 F.S.; requiring adoption of the "Florida Friendly

7 Fertilizer Use on Urban Landscapes Model Ordinance" by a

8 specified time; providing for adoption of additional or

9 more stringent provisions; providing an exception to

10 adoption; directing certain appropriations to local

11 governments adopting the model ordinance or an expanded or

12 more stringent one; amending s. 482.021, F.S.; providing a

13 definition; amending s. 482.156, F.S.; deleting

14 requirement for proof of certain training requirements

15 established by the Department of Agriculture and Consumer

16 Services; creating s. 482.1561, F.S.; providing

17 regulations of commercial fertilizer application on urban

18 turf; requiring certification of such applicators by the

19 department; providing such fertilizer application be in

20 compliance with best management practices established by

21 the Department of Environmental Protection; creating s.

22 482.1562, F.S.; establishing a limited certification

23 category for commercial fertilizer application under the

24 Department of Agriculture and Consumer Services; requiring

25 completion of a minimum training program and minimum score

26 on examination prior to application for certification;

27 providing application fees; providing that the training

28 program be designed, approved, and made available by the

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Department of Environmental Protection and the Institute of Food and Agricultural Sciences; providing for hours and subjects of training; requiring the Department of Environmental Protection to contract with the Institute of Food and Agricultural Sciences to lead the training effort; providing for co-location of programs; requiring the Department of Environmental Protection to provide program training coordinators; providing for regional train-the-trainers classes; requiring trainer certification; providing trainer criteria; requiring publication of certain training information; requiring issuance of trainer certificate by a specified time; requiring the maintenance and publication of a list of qualified trainers; providing recertification requirements for the limited certification for commercial fertilizer application issued by the Department of Agriculture and Consumer Services, including fees; requiring the maintenance of certain records by persons certified; authorizing the department to provide certain information to certain agencies; providing an effective date.

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

Section 1. Section 403.9335, Florida Statutes, is created to read:

403.9335 Short title.--Sections 403.9335-403.9337 may be cited as the "Protection of Urban and Residential Environments and Water Act."

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57 Section 2. Section 403.9336, Florida Statutes, is created
58 to read:

59 403.9336 Legislative findings.--The Legislature finds that
60 the model fertilizer use ordinance contained in the Florida
61 Consumer Fertilizer Task Force Final Report to the 2008 Florida
62 Legislature, issued January 15, 2008, as well as its
63 incorporation of Rule 5E-1.003(2), Florida Administrative Code,
64 entitled, "Labeling Requirements For Urban Turf Fertilizers,"
65 are protective of the quality of water in the state's water
66 bodies.

67 Section 3. Section 403.9337, Florida Statutes, is created
68 to read:

69 403.9337 Adoption of the "Florida Friendly Fertilizer Use
70 on Urban Landscapes Model Ordinance".--

71 (1) Unless exempt, no later than October 1, 2008, all
72 county and municipal governments must, at a minimum, adopt the
73 "Florida Friendly Fertilizer Use on Urban Landscapes Model
74 Ordinance" contained in the Florida Consumer Fertilizer Task
75 Force Final Report to the 2008 Florida Legislature, issued
76 January 15, 2008.

77 (2) A county or municipal government, however, may adopt
78 additional provisions to or more stringent provisions than the
79 model ordinance, provided:

80 (a) Such government can demonstrate it meets at least one
81 of the following criteria:

82 1. The county or municipal government has a verified
83 impaired water body that exists within its jurisdiction;

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84 2. A total maximum daily loads requirement for the
85 impaired water body exists under state and federal laws; or

86 3. A more restrictive ordinance has been adopted as a part
87 of a basin management action plan; or

88 (b) The Environmental Regulation Commission of the
89 Department of Environmental Protection deems the additional or
90 more stringent provisions to the model ordinance necessary based
91 on sound scientific principles.

92 (3) Any county or municipal government that has adopted
93 its own fertilizer use ordinance before July 1, 2008, is exempt
94 from the requirement for adoption of the model ordinance.

95 (4) Any appropriation by the Legislature for educating
96 consumers on the model ordinance or on other fertilizer best
97 management practices at the local government level shall be
98 directed to only those counties and municipalities that have
99 adopted the model ordinance or an expanded or more stringent
100 ordinance as described in subsection (2).

101 Section 4. Subsections (6) through (28) of section
102 482.021, Florida Statutes, are renumbered as subsections (7)
103 through (29), respectively, and a new subsection (6) is added to
104 that section to read:

105 482.021 Definitions.--For the purposes of this chapter,
106 and unless otherwise required by the context, the term:

107 (6) "Commercial fertilizer application" means application
108 of fertilizer for payment or other consideration to property not
109 owned by a person or firm making the application or by the
110 employer of the applicator.

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Section 5. Paragraph (b) of subsection (2) of section 482.156, Florida Statutes, is amended to read:

482.156 Limited certification for commercial landscape maintenance personnel.--

(2)

(b) To be eligible to take the examination, an applicant must have completed 6 classroom hours of plant bed and ornamental continuing education training approved by the department ~~and provide sufficient proof, according to criteria established by department rule.~~ The department shall provide the appropriate reference materials for the examination and make the examination readily accessible and available to applicants at least quarterly or as necessary in each county.

Section 6. Section 482.1561, Florida Statutes, is created to read:

482.1561 Regulation of commercial fertilizer application.--

(1) Any person who applies fertilizer commercially to urban turf, as defined by the department in rule issued under chapter 576, must hold a limited certificate for commercial fertilizer application issued under s. 482.1562.

(2) Application of fertilizer to urban turf by a certified fertilizer applicator shall be in accordance with best management practices for fertilizer application as adopted by the Department of Environmental Protection.

(3) For the purposes of this section, disciplinary action by the department shall be limited to suspension or revocation of the certificate issued for fertilizer application.

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139 Section 7. Section 482.1562, Florida Statutes, is created
140 to read:

141 482.1562 Limited certification for commercial fertilizer
142 application.--

143 (1) The department shall establish a limited certification
144 category for commercial fertilizer application to certify
145 persons on the application of fertilizer to urban turf in
146 compliance with best management practices for fertilizer
147 application and management as adopted by the Department of
148 Environmental Protection.

149 (2)(a) A person seeking limited certification under this
150 section must apply to the department and submit a copy of the
151 training certificate received from the Department of
152 Environmental Protection or the Institute of Food and
153 Agricultural Sciences at the University of Florida as proof of
154 having completed the minimum training program set forth in this
155 section and having passed the final examination with a minimum
156 score of 75 percent or other acceptable proof as described by
157 the department in rule.

158 (b) Each application must be accompanied by a registration
159 fee set by the department, in an amount of not more than \$150 or
160 less than \$50; however, until a rule setting this fee is adopted
161 by the department, the examination fee is \$50.

162 (3)(a) The minimum training program for the certificate
163 shall consist of a course that is designed, approved, and made
164 available by the Department of Environmental Protection and the
165 Institute of Food and Agricultural Sciences at the University of
166 Florida. The course shall be based on the "Florida Green

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Industries Best Management Practices for Protection of Water Resources in Florida," published by the Department of Environmental Protection, and consist of a minimum of 6 contact hours of training in the following subjects:

1. Overview of nonpoint source pollution, laws, and effects on water quality; effects on business, economy, and quality of life; and best management practices as both good business and environmental benefit.

2. Fertilizer characteristics and selection, including physical and chemical properties; soil type, pH, temperature, and moisture effects on release rates; calculation of application rates; spreader calibration; and materials handling and spills.

3. Florida turfgrass species and characteristics, including fertilizer requirements and the effects of landscape design, mowing, irrigation, shade, wear, pest, disease, cold and heat stresses on fertilizer materials, amounts and timing, and, conversely, the effects of fertilization on these cultural aspects in addition to direct effects on water quality, including nutrient pollution, erosion and sedimentation, and water usage rates.

4. Irrigation systems and the effects of irrigation on volatilization, leaching, runoff, excessive withdrawal and water quality issues; effects of over or under irrigation on plants and fertilizer needs; effects of irrigation water quality and reclaimed water issues; diagnoses of irrigation and fertilizer problems; and importance of proper repair to maintain

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194 distribution uniformity to prevent spot leaching and runoff of
195 fertilizers resulting in more fertilizer use and more pollution.

196 5. Florida landscape plants and characteristics, including
197 fertilizer requirements and the effects of landscape design,
198 pruning, irrigation, shade, pest, disease, cold and heat
199 stresses on fertilizer materials, amounts and timing, and,
200 conversely, the effects of fertilization on these cultural
201 aspects in addition to direct effects on water quality.

202 6. Pesticide licensing law, including fertilizer-pesticide
203 mixtures; integrated pest management, environmental effects, and
204 safety; effects of fertilizer application on pesticide use; and
205 effects of some pesticides on fertilization requirements.

206 (b) Local ordinance compliance training shall be in
207 addition to the required hours of instruction.

208 (4) The Department of Environmental Protection shall
209 contract with the University of Florida Institute of Food and
210 Agricultural Sciences Extension to lead the training effort with
211 the primary focus on state-level operations and county-level
212 training. The Florida Green Industries Best Management Practices
213 for Protection of Water Resources in Florida training program
214 shall be co-located with the Florida Yards and Neighborhoods
215 Program under the Institute of Food and Agricultural Sciences'
216 Department of Environmental Horticulture's Family Friendly
217 Program and the Center for Landscape Conservation and Ecology.

218 (5) The Department of Environmental Protection shall
219 provide program training coordinators through the NOAA coastal
220 training programs at the Rookery Bay National Estuarine Research
221 Reserve, the Guana-Tolomato-Matanzas National Estuarine Research

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Reserve and the Apalachicola National Estuarine Research Reserve to conduct regional train-the-trainer classes for industry professionals and corporate training staff and to coordinate and support local governments, water management districts, and the Institute of Food and Agricultural Sciences extension training activities.

(6) Trainers shall be certified in the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida," published by the Department of Environmental Protection, and have a valid trainer certificate. All trainers shall satisfactorily complete a training program to conduct this course as provided below, or they shall have the academic credentials and instructional experience necessary for teaching the subjects. Trainer criteria shall include:

(a) Demonstrated subject matter expertise, which includes an appropriate level of technical knowledge, skills, or abilities in the subjects they teach.

(b) Demonstrated competency in delivery techniques and methods appropriate to adult learning principles for the target audience and the learning objectives.

(c) Continued professional competency demonstrated by participating in continuing education, development programs, or experience related to their subject matter expertise and delivery skills.

(d) Periodic evaluation of instructional competence by the training manager or his or her appointee.

(7) The Department of Environmental Protection, in consultation with the department and with the Institute of Food

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250 and Agricultural Sciences, shall publish training requirements,
251 procedures, and materials.

252 (8) A trainer certificate shall be issued by Department of
253 Environmental Protection or the Institute of Food and
254 Agricultural Sciences at the University of Florida for certified
255 trainers, effective January 1, 2008. A list of qualified
256 trainers shall be maintained and published.

257 (9) An application for recertification under this section
258 must be made annually and be accompanied by a recertification
259 fee set by the department, in an amount of not more than \$75 or
260 less than \$25; however, until a rule setting this fee is adopted
261 by the department, the fee for recertification is \$25. After a
262 grace period not exceeding 30 calendar days following the annual
263 date that recertification is due, a late renewal charge of \$50
264 shall be assessed and must be paid in addition to the renewal
265 fee. Unless timely recertified, a certificate automatically
266 expires 180 calendar days after the anniversary recertification
267 date. Subsequent to such expiration, a certificate may be issued
268 only upon successful reexamination and upon payment of the
269 examination fees due.

270 (10) A person certified under this section shall maintain
271 records documenting the type of fertilizer applied and the
272 amounts and location of application. Such records must be
273 maintained for at least 3 years and be available for review by
274 the department upon request.

275 (11) The department is authorized to provide information
276 on the certification status of persons certified under this
277 section and results of inspections and investigations to local

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278 and state government agencies involved in the regulation of
279 fertilizer use and management and to cooperate with these
280 entities to more efficiently regulate the use and management of
281 fertilizer.

282 Section 8. This act shall take effect upon becoming a law.