

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 Agriculture Committee

BILL: CS/ SB 604

INTRODUCER: Agriculture Committee and Senator Dean

SUBJECT: Limited Certification for Urban Landscape Commercial Fertilizer Application

DATE: December 5, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Buford	AG	Fav/CS
2.			EP	
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:	
A. COMMITTEE SUBSTITUTE.....	<input checked="" type="checkbox"/> Statement of Substantial Changes
B. AMENDMENTS.....	<input type="checkbox"/> Technical amendments were recommended
	<input type="checkbox"/> Amendments were recommended
	<input type="checkbox"/> Significant amendments were recommended

I. Summary:

This committee substitute provides Legislative findings that the use of best management practices when applying commercial fertilizer is critical to the state's efforts in minimizing potential harmful impacts to the water quality of the state. It provides that persons who have obtained the limited certification for urban landscape commercial fertilizer application by the Department of Agriculture and Consumer Services (department) are required to follow best management practices, and that they are exempt from local government ordinances that address the fertilization of urban turfs, lawns, and landscapes. It requires the department to provide local and state governmental agencies with information concerning the certification status of persons that have obtained the limited certification. It also clarifies that the department is granted enforcement authority over certified professionals, including administration, enforcement, and collection of penalties, fines and administrative actions.

This committee substitute amends section 482.1562 of the Florida Statutes.

II. Present Situation:

The Florida Consumer Fertilizer Task Force was created by the Florida Legislature in 2007 to review and provide recommendations on the state's policies and programs addressing consumer fertilizers. A Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes (Ordinance), was developed by the Department of Environmental Protection, in conjunction with the Florida Consumer Fertilizer Task Force, the Department of Agriculture and Consumer Services, and the University of Florida Institute of Food and Agricultural Sciences. The 2009 Legislature made findings¹ that implementation of the Ordinance will assist in protecting the quality of Florida's surface water and groundwater resources. Section 403.9337, F.S., encourages local governments to adopt the Ordinance as a mechanism for protecting local surface and groundwater quality, however it recognizes that certain local conditions may necessitate the implementation of additional or more stringent fertilizer management practices at the local government level.

In order to have a means of documenting and ensuring compliance with best management practices for commercial fertilizer application to urban landscapes, the Legislature directed the department to establish a limited certification for urban landscape commercial fertilizer application. The department, in cooperation with the Institute of Food and Agricultural Sciences, was also directed to develop an educational program for people working in lawn-care and landscape maintenance to teach safe landscaping practices. After receiving a certificate demonstrating successful completion of the department or a department-approved program, and paying a certification fee, a person may apply to the department to receive a limited certification of urban landscape commercial fertilizer application under s. 482.1562, F.S. Starting January 1, 2014, all commercial fertilizer applicators must be certified in order to make any type of fertilizer application to commercial turf or ornamental trees, the turf or ornamental areas of parks or fields other than agricultural areas, and the turf or ornamental area of any residential property.² Currently, certified persons are not exempt from local government ordinances that address the fertilization of urban turfs, lawns, and landscapes.

III. Effect of Proposed Changes:

Section 1 amends s. 482.1562, F.S., to provide legislative findings that using best management practices in the application of commercial fertilizer to urban landscapes is a critical component of the state's efforts to minimize potential impacts to water quality. It requires persons with limited certification for urban landscape commercial fertilizer application to follow best management practices established by the Department of Environmental Protection. It exempts certified persons from local government ordinances that address the fertilization of urban turfs, lawns, and landscapes. It requires the department to provide specified information to other local and state governmental agencies. Finally, it clarifies that the department has enforcement authority over certified professionals and provides requirements for associated penalties, fines, and administrative actions taken by the department.

Section 2 provides that this act shall take effect July 1, 2012.

¹ Chapter 2009-199, L.O.F.

² Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, *Licensing and Certification*.

Other Potential Implications:

None.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

As yet undetermined.

C. Government Sector Impact:

This committee substitute requires the Department of Agriculture and Consumer Services to provide information concerning the certification status of persons who have obtained the limited certification for urban landscape commercial fertilizer application to other local and state governmental agencies. This may result in a potential workload increase for the department, and therefore, this bill may result in an insignificant fiscal impact to the department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by the Agriculture Committee on December 5, 2011:

The committee substitute requires that persons who have obtained the limited certification for urban landscape and commercial fertilizer application are required to follow best management practices as established by the Department of Environmental Protection. It also requires the Department of Agriculture and Consumer Services to provide specified information to other local and state governmental agencies.

- B. **Amendments:**

None.