

By Senator Dean

3-00512A-12

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1 A bill to be entitled
2 An act relating to fertilizer use on urban landscapes;
3 amending s. 482.1562, F.S.; providing a legislative
4 finding regarding the use of best management
5 practices; exempting persons who hold a limited
6 certification for urban landscape commercial
7 fertilizer application from local ordinances that
8 provide for the use, purchase, and application of
9 fertilizer to urban turf, lawn, and landscape;
10 clarifying the authority of the Department of
11 Agriculture and Consumer Services to enforce
12 provisions governing professionals who hold a limited
13 certification for urban landscape commercial
14 fertilizer application; providing an effective date.

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

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18 Section 1. Section 482.1562, Florida Statutes, is amended
19 to read:

20 482.1562 Limited certification for urban landscape
21 commercial fertilizer application.—The Legislature finds that
22 the implementation of best management practices in the
23 application of commercial fertilizer provides a critical
24 component to the state's efforts to minimize potential harmful
25 impacts to the water quality of the state.

26 (1) To provide a means of documenting and ensuring
27 compliance with best management practices for commercial
28 fertilizer application to urban landscapes, the department shall
29 establish a limited certification for urban landscape commercial

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30 fertilizer application. A person who possesses a limited
31 certification for urban landscape commercial fertilizer
32 application pursuant to this section is exempt from local
33 government ordinances that provide for the use, purchase, and
34 application of fertilizer to urban turf, lawn, and landscape.

35 (2) Beginning January 1, 2014, a ~~any~~ person applying
36 commercial fertilizer to an urban landscape must be certified
37 under this section.

38 (3) To obtain a limited certification for urban landscape
39 commercial fertilizer application, an applicant must submit to
40 the department:

41 (a) A copy of the training certificate issued pursuant to
42 s. 403.9338.

43 (b) A certification fee set by the department in an amount
44 of at least \$25 but not more than \$75. Until the fee is set by
45 rule, the fee for certification is \$25.

46 (4) A limited certification for urban landscape commercial
47 fertilizer application issued under this section expires 4 years
48 after the date of issuance. Before applying for recertification
49 under subsection (5), the applicant must complete 4 classroom
50 hours of acceptable continuing education, of which at least 2
51 hours address fertilizer best management practices.

52 (5) An application for recertification must be made at
53 least 90 days before the expiration of the current certificate
54 and be accompanied by:

55 (a) Proof of having completed the 4 classroom hours of
56 acceptable continuing education required under subsection (4).

57 (b) A recertification fee set by the department in an
58 amount of at least \$25 but not more than \$75. Until the fee is

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59 set by rule, the fee for recertification ~~certification~~ is \$25.

60 (6) A late renewal charge of \$50 per month shall be
61 assessed 30 days after the date the application for
62 recertification is due and must be paid in addition to the
63 renewal fee. Unless timely recertified, a certificate
64 automatically expires 90 days after the recertification date.
65 Upon expiration, a certificate may be issued only upon
66 reapplying in accordance with subsection (3).

67 (7) Certification under this section does not authorize:

68 (a) The application of pesticides to turf or ornamentals,
69 including pesticide fertilizer mixtures;

70 (b) The operation of a pest control business; or

71 (c) The application of pesticides or fertilizers by
72 unlicensed or uncertified personnel under the supervision of the
73 certified person.

74 (8) The department has enforcement authority over
75 professionals who are certified under this section, and all
76 penalties, fines, and administrative action taken by the
77 department shall be consistent with this chapter.

78 (9)-(8) The department may provide information concerning
79 the certification status of persons certified under this section
80 to other local and state governmental agencies. The department
81 is encouraged to create an online database that lists all
82 persons certified under this section.

83 (10)-(9) A yard worker ~~Yard workers~~ who applies ~~apply~~
84 fertilizer only to individual residential properties using
85 fertilizer and equipment provided by the residential property
86 owner or resident is ~~are~~ exempt from the requirements of this
87 section.

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88 (11)~~(10)~~ The department may adopt rules to administer this
89 section.

90 Section 2. This act shall take effect July 1, 2012.