

By Senator Bracy

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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      defining the term "estuary runoff area"; providing  
13      additional requirements for counties and  
14      municipalities within estuary runoff areas;  
15      authorizing county and municipal governments to adopt  
16      additional standards if certain criteria are met;  
17      providing an effective date.

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

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

23       403.9336 Legislative findings and intent.-

24       (1) The Legislature finds that:

25       (a) Nitrogen pollution has become a problem due to the  
26 volume of fertilizers applied to residential lawns. Fertilizers  
27 applied during the summer rainy season cause nitrogen to wash  
28 into the waterways and cause additional pollution and harm to  
29 the marine animals within those waters.

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

33       (c) The implementation of the Model Ordinance for Florida-  
34 Friendly Fertilizer Use on Urban Landscapes (2015) (2008), which  
35 was developed by the department in conjunction with the Consumer  
36 Fertilizer Task Force, the Department of Agriculture and  
37 Consumer Services, and the University of Florida Institute of  
38 Food and Agricultural Sciences, will assist in protecting the  
39 quality of Florida's surface water and groundwater resources.

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

46       (2) Therefore, the Legislature intends to increase the  
47 quality of Florida's water resources through the use of the  
48 Model Ordinance for Florida-Friendly Fertilizer Use on Urban  
49 Landscapes (2015) and the application of fertilizers that  
50 contain a slow-release nitrogen component.

51       Section 2. Section 403.9337, Florida Statutes, is amended  
52 to read:

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

55       (1) Each ~~All~~ county and municipal government ~~governments~~  
56 shall ~~are encouraged to~~ adopt and enforce the Model Ordinance  
57 for Florida-Friendly Fertilizer Use on Urban Landscapes (2015)  
58 ~~or an equivalent requirement as a mechanism for protecting local~~

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59 ~~surface and groundwater quality.~~

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

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

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

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

84 (a) The county or municipal local government has  
85 demonstrated, as part of a comprehensive program to address  
86 nonpoint sources of nutrient pollution which is science-based,  
87 and economically and technically feasible, that additional or

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88 more stringent standards ~~than the model ordinance~~ are necessary  
89 ~~in order to adequately~~ address urban fertilizer contributions to  
90 nonpoint source nutrient loading to a water body.

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

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

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

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