



729062

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
	.	
	.	

Senator Hays moved the following:

Senate Amendment (with title amendment)

Between lines 864 and 865

insert:

Section 26. Florida Fertilizer Regulatory Review Council.-

(1) The Legislature finds that:

(a) A science-based approach to the protection of the state's waterways is in the public interest of the state.

(b) Varying state and local regulations govern the regulation of nonagricultural fertilizer or its use, and inconsistencies resulting from varying regulations may affect commerce and impact water quality in this state.

(c) It is advisable to identify practices or a combination



729062

14 of practices, which, based on field testing, expert review, and
15 scientific information, individually or cumulatively protect the
16 quality of water in the state.

17 (2) There is created the Florida Fertilizer Regulatory
18 Review Council for the purpose of:

19 (a) Performing a comprehensive review of existing
20 scientific data relating to the environmental fate of nutrients
21 in urban settings. Such review shall include to the greatest
22 extent practical:

23 1. The sources of nutrients.

24 2. The origin of nutrient sources.

25 3. An estimate of the percentage of nutrients contributed
26 by each nutrient source.

27 4. Nutrient enrichment impacts of nonagricultural
28 fertilizers on surface waters.

29 5. An assessment of technically and economically feasible
30 management strategies for reducing water quality impacts
31 associated with the regulation of nonagricultural fertilizer or
32 its use including, but not limited to, prohibited application
33 periods, setbacks from water bodies, and identification of
34 additional research needs.

35 (b) Performing a comprehensive review of the Department of
36 Agriculture and Consumer Services' rule 5E-1.003(2), Florida
37 Administrative Code; the Department of Environmental
38 Protection's Model Ordinance for Florida-Friendly Fertilizer Use
39 on Urban Landscapes 2010; and all local ordinances in the state
40 regulating nonagricultural fertilizer or its use.

41 (c) Reviewing existing state laws and rules relating to the
42 regulation of nonagricultural fertilizer or its use.



729062

43 (d) Recommending technically-feasible, economically-
44 feasible, and enforceable methods and management strategies,
45 based upon best available data and science, that promote
46 consistency in state and local regulation of nonagricultural
47 fertilizer or its use where possible while balancing the need to
48 accommodate reasonable regional and local differences necessary
49 to meet state water quality standards.

50 (e) Holding public hearings and taking public testimony
51 concerning the regulation of nonagricultural fertilizers or its
52 use as well as related matters.

53 (f) Recommending amendments to the Department of
54 Environmental Protection's Model Ordinance for Florida-Friendly
55 Fertilizer Use on Urban Landscapes 2010 based upon the council's
56 findings after considering consistency with the Department of
57 Agriculture and Consumer Services' rule 5E-1.003(2), Florida
58 Administrative Code.

59 (g) Recommending state policies for the regulation of
60 nonagricultural fertilizer or its use, including identification
61 of additional research that may inform future state policies.

62 (3) The council shall be composed of 15 members as follows:

63 (a) Four members appointed by the Secretary of
64 Environmental Protection, one of whom shall be the Secretary or
65 his or her designee and shall serve as the department's
66 representative, one of whom shall be a representative of the
67 environmental community, one of whom shall be a water quality
68 scientist with experience in addressing water quality issues in
69 Florida, and one of whom shall be a representative of a water
70 management district.

71 (b) Four members appointed by the Commissioner of



729062

72 Agriculture, one of whom shall be a representative of the
73 Department of Agriculture and Consumer Services, one of whom
74 shall be a representative of the University of Florida Institute
75 of Food and Agricultural Sciences, one of whom shall be a member
76 of the retail industry in the state, and one of whom shall be a
77 representative of the University of Florida Water Institute.

78 (c) Two members appointed by the President of the Senate,
79 one of whom shall be a representative of the pest control trade
80 associations in the state and one of whom shall be a
81 representative of the Florida Golf Course Superintendents
82 Association.

83 (d) Two members appointed by the Speaker of the House of
84 Representatives, one of whom shall be a representative of the
85 fertilizer industry in the state and one of whom shall be a
86 representative of the landscape and lawn care trade associations
87 in the state.

88 (e) One member appointed by the Florida League of Cities.

89 (f) One member appointed by the Florida Association of
90 Counties.

91 (g) One member appointed by the Florida Stormwater
92 Association.

93 (h) Each person or entity appointing members to the council
94 shall appoint an alternate member for each position on the
95 council in the same manner as each primary member is appointed.
96 An alternate member may attend and participate in public
97 meetings of the council in the absence of the primary member,
98 but may not vote as a member of the council. In the event of a
99 vacancy in a position on the council, the alternate member for
100 the vacant position shall serve on the council as a voting



729062

101 member until the vacancy is filled by the person or entity
102 responsible for appointing a member to that position.

103 (i) Appointments of members and alternate members to the
104 council must be made on or before September 1, 2013.

105 (j) A council member or alternate member may not be a
106 registered lobbyist of any association, group, or entity
107 represented on the council. This prohibition does not apply to
108 the representative of the Department of Environmental
109 Protection, the Department of Agriculture and Consumer Services,
110 the water management districts, the University of Florida
111 Institute for Food and Agricultural Sciences, or the University
112 of Florida Water Institute.

113 (k) Private sector members of the council may not receive
114 per diem or reimbursement for travel expenses from the state.

115 (4) The council shall operate as follows:

116 (a) The two members representing the Department of
117 Agriculture and Consumer Services and the Department of
118 Environmental Protection shall serve as co-chairs of the
119 council. The representative of the Department of Agriculture and
120 Consumer Services shall call the first meeting of the council.

121 (b) The council shall be staffed and funded jointly by the
122 Department of Agriculture and Consumer Services and the
123 Department of Environmental Protection.

124 (c) The council is assigned to the Department of
125 Agriculture and Consumer Services for administrative purposes.

126 (d) At least eight voting members must be present for the
127 council to conduct business. Members may not vote by proxy.
128 Except as provided in this section, Roberts Rules of Order Newly
129 Revised apply to all meetings and actions taken by the council.



729062

130 (e) The council's first meeting must be held within 30 days
131 after all primary members are appointed, and the council must
132 conduct a minimum of 10 public meetings. The location of the
133 council's public meetings must be geographically distributed
134 throughout the state with the final meeting held in Tallahassee
135 during a regularly scheduled legislative committee week before
136 January 1, 2016.

137 (f) The council shall submit a written report, including
138 its recommendations and findings, which must be approved by an
139 affirmative vote of at least eight voting members of the
140 council, to the Governor, the President of the Senate, the
141 Speaker of the House of Representatives, the Commissioner of
142 Agriculture, and the Secretary of Environmental Protection on or
143 before January 15, 2016.

144 (5) The council is dissolved January 15, 2016, or upon
145 submission of the report pursuant to paragraph (4) (f), whichever
146 occurs first.

147 Section 27. (1) Between July 1, 2013, and June 30, 2016,
148 local governments may not adopt new ordinances to regulate
149 nonagricultural fertilizer or its use. However, a local
150 government may adopt by ordinance the Department of
151 Environmental Protection's Model Ordinance for Florida-Friendly
152 Fertilizer Use on Urban Landscapes 2010.

153 (2) An ordinance adopted after March 20, 2013, and before
154 July 1, 2013, to regulate nonagricultural fertilizer or its use
155 shall not be enforced before July 1, 2016, unless it is the
156 Department of Environmental Protection's Model Ordinance for
157 Florida-Friendly Fertilizer Use on Urban Landscapes 2010.
158



729062

159 ===== T I T L E A M E N D M E N T =====

160 And the title is amended as follows:

161 Between lines 94 and 95

162 insert:

163 creating the Florida Fertilizer Regulatory Review
164 Council; providing legislative findings; providing for
165 the council's purpose, membership, and duties;
166 providing for the council to be staffed and funded
167 jointly by the Department of Agriculture and Consumer
168 Services and the Department of Environmental
169 Protection; requiring the council to submit a report
170 to the Governor, Legislature, and specified officials;
171 providing for dissolution of the council; prohibiting
172 local governments from adopting or enforcing certain
173 ordinances; providing an exception;