



**BOARD OF COUNTY
COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA
COMMISSION AGENDA**

**SPECIAL CALL MEETING
THURSDAY, JULY 18, 2013 – 9:00 A.M.**

**County Commission Chamber
Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com**

COUNTY COMMISSIONERS

**Joseph E. Flescher, Chairman
Wesley S. Davis, Vice Chairman
Peter D. O’Bryan
Bob Solari
Tim Zorc**

**District 2
District 1
District 4
District 5
District 3**

**Joseph A. Baird, County Administrator
Dylan Reingold, County Attorney
Jeffrey R. Smith, Clerk to the Board**

- | 1. | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> | <u>PAGE</u> |
|-----------|------------------------------------|---|--------------------|
| 2. | <u>INVOCATION</u> | Commissioner Wesley S. Davis, Vice Chairman | |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Joseph E. Flescher, Chairman | |
| 4. | <u>PUBLIC ITEMS</u> | | |
| | A. <u>PUBLIC HEARINGS</u> | | |
| | 1. | Proposed Fertilizer and Landscape Management Ordinance – Public Hearing/Consideration of Final Adoption (memorandum dated July 8, 2013)
Legislative | 1-11 |
| 5. | <u>ADJOURNMENT</u> | | |

Anyone who may wish to appeal any decision which may be made at this meeting will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal will be based.

Anyone who needs a special accommodation for this meeting may contact the County's Americans with Disabilities Act (ADA) Coordinator at (772) 226-1223 at least 48 hours in advance of meeting.

The full agenda is available on line at the Indian River County Website at www.ircgov.com The full agenda is also available for review in the Board of County Commission Office, the Indian River County Main Library and the North County Library.

***Commission Meeting may be broadcast live by Comcast Cable Channel 27
Rebroadcasts continuously with the following proposed schedule:
Tuesday at 6:00 p.m. until Wednesday at 6:00 a.m.,
Wednesday at 9:00 a.m. until 5:00 p.m.,
Thursday at 1:00 p.m. through Friday Morning,
and Saturday at 12:00 Noon to 5:00 p.m.***



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Alan S. Polackwich, Sr., County Attorney
William K. DeBrazal, Deputy County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Alan S. Polackwich, Sr., County Attorney *[Signature]*
DATE: July 8, 2013
SUBJECT: Proposed Fertilizer and Landscape Management Ordinance
Public Hearing/Consideration of Final Adoption

BACKGROUND.

At its July 2, 2013 meeting, following significant input from the public, the Board of County Commissioners directed the County Attorney's Office to move forward with the process of adopting the Florida Department of Environmental Protection's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes (the "Model Fertilizer Ordinance"). The Board made clear that the final ordinance should include an education component, as well as a means of effective enforcement. The County Attorney's Office has prepared the attached proposed ordinance in accordance with the Board's directions.

The proposed ordinance differs from the Model Fertilizer Ordinance in two respects: (1) minor changes have been made for clarity or to better fit circumstances in Indian River County, and (2) education and enforcement components have been added. Specifically, with respect to education, §316.11 of the ordinance requires the County Administrator to implement a program to inform the general public of the requirements of the ordinance, through website postings, brochures/print materials, speaking engagements, etc, and to coordinate the program with similar educational activities of the University of Florida IFAS program.

*Approved for B.C.C. Special Meeting/Public Hearing
July 18, 2013*

[Signature]
COUNTY ATTORNEY

Indian River Co.	Approved	Date
Admin.	<i>[Signature]</i>	7-11-13
Co. Atty.	<i>[Signature]</i>	7.10.13
Budget	<i>[Signature]</i>	7/11/13
Department	<i>[Signature]</i>	7/11/13
Risk Management	---	---

With respect to enforcement, §316.13 of the ordinance provides for enforcement by either the Code Enforcement Officer, acting through the Code Enforcement Board, or the Environmental Control Officer, acting through the Environmental Control Hearing Board. Under §100.05 of the Code and Chapter 162, Florida Statutes, the Code Enforcement Board has authority to order the cessation of violations, and to impose fines up to \$500 per day of violation; and, under Chapter 85-427, Special Acts, Laws of Florida, the Environmental Control Hearing Board has the same authority. Both enforcement procedures – the Code Enforcement procedure under §103.07 of the Code, and the Environmental Control enforcement procedure under §13 of Chapter 85-427 – call for a preliminary notice of violation and an opportunity to correct, before enforcement proceedings are filed.¹

The new provisions relating to education and enforcement are highlighted in the attached copy of the proposed ordinance.

It should be noted that while §403.9337, Florida Statutes, requires the County to meet certain criteria before it can adopt an ordinance more stringent than the Model Fertilizer Ordinance, the changes outlined above are not viewed by the County Attorney's Office as constituting a more stringent ordinance. Importantly, neither change imposes greater requirements upon County residents than those set forth in the Model Fertilizer Ordinance. Also, "guidance" sections in the model ordinance make clear that the ordinance may be revised to meet local conditions. Thus, the County Attorney's Office is confident that adoption of the proposed ordinance does not require the County to meet the statutory criteria for adoption of a more stringent ordinance.

FUNDING.

Funding is not currently included in the proposed fiscal year 2013/14 budget for activities relating to education or enforcement of a fertilizer ordinance. Administrative staff recommends that the Stormwater Division perform such education and enforcement activity. Additional staffing will be needed in order to provide effective education and enforcement, and the proposed 2013/14 budget will need to be adjusted accordingly. The estimated cost of an additional position is approximately \$60,000.

RECOMMENDATION.

The County Attorney's Office recommends that the Chairman open the public hearing, take public input, and close the public hearing, and that the Board of County Commissioners then consider final adoption of the attached proposed fertilizer ordinance.

ATTACHMENT(S).

Proposed Fertilizer and Landscape and Management Ordinance
Section 403.9337, Florida Statutes

ASP:LAC

¹ Although both procedures allow for action without a preliminary notice of violation in the event of an emergency which poses a threat to public health, safety or welfare.

ORDINANCE NO. 2013 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CODE OF INDIAN RIVER COUNTY TO ESTABLISH A NEW CHAPTER 316, ENTITLED "FERTILIZER AND LANDSCAPE MANAGEMENT;" ADOPTING THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S MODEL ORDINANCE FOR FLORIDA-FRIENDLY USE OF FERTILIZER ON URBAN LANDSCAPES, WITH MINOR MODIFICATIONS; MAKING FINDINGS AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, as a result of impairment to Indian River County's surface waters caused by excessive nutrients, or, as a result of increasing levels of nitrogen in the surface and/or ground water within the aquifers or canals within the boundaries of Indian River County, the Board of County Commissioners has determined that the use of fertilizers on lands within Indian River County creates a risk of contributing to adverse effects on surface and/or ground water. Accordingly, the Board finds that management measures contained in the most recent edition of the *"Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008,"* may be required by this ordinance; and

WHEREAS, this ordinance regulates the proper use of fertilizers by any applicator; requires proper training of Commercial Fertilizer Applicators and Institutional Fertilizer Applicators; establishes training and licensing requirements; establishes a Prohibited Application Period; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. The ordinance requires the use of Best Management Practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on Indian River County's natural and constructed stormwater conveyances, rivers, creeks, canals, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of Indian River County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, THAT:

Section 1. Enactment Authority.

Article VIII, §1 of the Florida Constitution and Chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of promoting the public health, safety and welfare of the residents of the county. The Board specifically determines that the enactment of this ordinance is consistent with general or special law, and is necessary and appropriate to promote the health, safety and welfare of the residents of Indian River County.

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Section 2. Findings.

The Board finds that the above "Whereas" clauses are true and correct, and hereby incorporates such clauses as findings of the Board.

Section 3. Adoption of Chapter 316 of the Code of Indian River County (the "Code").
Chapter 316 of the Code is hereby adopted, as follows (new language is indicated by underline):

Section 316.1. Title.

This chapter shall be known as the "Indian River County Fertilizer and Landscape Management Ordinance."

Section 316.2. Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

"Administrator" shall mean the County Administrator, or an administrative official of the County designated by the County Administrator to administer and enforce the provisions of this chapter.

"Application" or "apply" shall mean the actual physical deposit of fertilizer to turf or landscape plants.

"Applicator" shall mean any Person who applies fertilizer on turf and/or landscape plants in Indian River County.

"Board" shall mean the Indian River County Board of County Commissioners.

"Best Management Practices" shall mean turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

~~"Chapter 85-427" shall mean The Indian River County Environmental Control Act, Chapter 85-427, Special Acts, Laws of Florida.~~

"Code Enforcement Officer" shall mean any designated employee or agent of Indian River County whose duty it is to enforce codes and ordinances enacted by Indian River County.

"Commercial Fertilizer Applicator," except as provided in §482.1562(9), Florida Statutes, shall mean any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

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"Code" shall mean The Code of Indian River County.

"Environmental Control Officer" shall mean the Indian River County Environmental Control Officer appointed by the Board pursuant to Chapter 85-427, and Chapter 303 (Part I) of this Code, and his or her designees.

"Fertilize," "fertilizing," or "fertilization" shall mean the act of applying fertilizer to turf, specialized turf, or landscape plants.

"Fertilizer" shall mean any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

"Institutional Fertilizer Applicator" shall mean any person, other than a private, non-commercial applicator or a Commercial Fertilizer Applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional Fertilizer Applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

"Landscape plant" shall mean any native or exotic tree, shrub, or groundcover (excluding turf).

"Low maintenance zone" shall mean an area a minimum of ten feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

"Person" shall mean any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

"Prohibited Application Period" shall mean the time period during which a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of Indian River County, issued by the National Weather Service, or if heavy rain is likely.

"Saturated soil" shall mean a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this chapter, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

"Turf," "sod," or "lawn" shall mean a piece of grass-covered soil held together by the roots of the grass.

"Urban landscape" shall mean pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as in §570.02, Florida Statutes.

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Section 316.3. Timing of fertilizer application.

No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Prohibited Application Period, or to saturated soils.

Section 316.4. Fertilizer free zones.

Fertilizer shall not be applied within ten feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of three feet shall be maintained. If more stringent Indian River County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60 day period beginning thirty days after planting if needed to allow the plants to become well established. Caution shall be used to prevent nutrients from being directly deposited into the water.

Section 316.5. Low maintenance zones.

A voluntary ten foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent Indian River County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Notwithstanding the voluntary nature of the above sentences, no mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

Section 316.6. Fertilizer content and application rates.

(a) Fertilizers applied to an urban lawn or turf within Indian River County shall be applied in accordance with requirements and directions set forth on the label or tag for packaged fertilizer products, or in the printed information accompanying the delivery of bulk fertilizer products, as provided by Rule 5E-1.003(2), Florida Administrative Code, *Labeling Requirements For Urban Turf Fertilizers*. All packaged and bulk fertilizer products sold in Indian River County shall be sold in packages with labels or tags, or, if sold in bulk, be accompanied by printed information, which complies with the requirements of Rule 5E-1.003(2), Florida Administrative Code. Without limitation, this section shall prohibit:

(i) Application of starter fertilizer to an urban lawn or turf at an application rate in excess of one pound of available phosphate per 1000 square feet of application area. For the purposes of this subsection, the term "starter fertilizer" shall mean fertilizer formulated for a one-time application at planting or near that time to encourage root growth and enhance the initial establishment of the lawn or turf;

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(ii) Application of fertilizer to an established urban lawn or turf which does not meet one of the following criteria: (a) no phosphate fertilizer, or (b) low phosphate fertilizer applied at a rate which does not exceed either .25 pounds of available phosphate per 1000 square feet of application area at any one time, or .5 pounds of available phosphate per 1000 square feet of application area per year; and

(iii) Application of nitrogen to an established urban lawn or turf at any one time at an application rate greater than .7 pounds of readily available nitrogen per 1000 square feet of application area, or greater than one pound of total nitrogen per 1000 square feet of application area; provided, however, that higher rates may be allowed if an annual tissue sample representative of the lawn or turf shows the need for a higher application rate.

(b) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention Plan for that site.

(c) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (a) above for turf, or in University of Florida IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

Section 316.7. Application practices.

(a) Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.

(b) Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.

(c) Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

(d) Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

(e) In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

Section 316.8. Management of grass clippings and vegetative materials.

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks

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or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

Section 316.9. Exemptions.

The provisions set forth above in this chapter shall not apply to:

(a) bona fide farm operations as defined in the Florida Right to Farm Act, § 823.14, Florida Statutes;

(b) other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock;

(c) any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

Section 316.10. Training.

(a) Within the time period set forth in section 316.12 below, all Commercial Fertilizer Applicators and Institutional Fertilizer Applicators within Indian River County shall abide by and successfully complete the six-hour training program in the “Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries” offered by the Florida Department of Environmental Protection through the University of Florida Extension “Florida-Friendly Landscapes” program, or an approved equivalent.

(b) Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers.

Section 316.11. General education program.

The Administrator shall implement a program to inform the general public of the requirements of this chapter, which program shall include, among other things, informative postings on the County website, printing and distributing informative brochures and other print materials, and speaking engagements at community associations, civic organizations, etc. The Administrator's program shall also include, to the extent practicable, coordination and collaboration with University of Florida IFAS educational activities. Any claimed or alleged deficiency in the County's general education program shall not constitute a defense to any action brought to enforce the provisions of this chapter.

Section 316.12. Licensing of commercial fertilizer applicators.

(a) No later than December 31, 2013, all Commercial Fertilizer Applicators within Indian River County, shall abide by and successfully complete training and continuing education requirements in the “Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries,” offered by the Florida Department of Environmental Protection through the

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University of Florida IFAS "Florida-friendly Landscapes" program, or an approved equivalent program, prior to obtaining an Indian River County Local Business Tax Certificate for any category of occupation which may apply any fertilizer to turf and/or landscape plants. Commercial Fertilizer Applicators shall provide proof of completion of the program to the Indian River County Tax Collector's office within 180 days of the effective date of this ordinance.

(b) After December 31, 2013, all Commercial Fertilizer Applicators within Indian River County shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per Rule 5E-14.117(18), Florida Administrative Code.

(c) All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has a "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Local Business Tax Certificate. Owners for any category of occupation which may apply any fertilizer to turf and/or landscape plants shall provide proof of completion of the program to the Indian River County Tax Collector's Office.

Section 316.13. Enforcement.

This chapter may be enforced by the Code Enforcement Officer pursuant to Chapter 162, Florida Statutes, and §103.07 of this Code. In addition, this chapter may be enforced by the Environmental Control Officer pursuant to Chapter 85-427, and §303.14 of this Code. Penalties and remedies for violations shall be as set forth in §100.05 of this Code, and, to the extent applicable, Chapter 85-427. Funds generated by penalties imposed under this section shall be used by Indian River County for the administration and enforcement of §403.9337, Florida Statutes, and the corresponding sections of this chapter, and to further water conservation and nonpoint pollution prevention activities.

Section 316.14. References to state law.

Any references in this chapter to Florida statutes, rules or regulations shall refer to such statutes, rules or regulations, as amended from time to time.

Section 316.15. Applicability.

This chapter shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the area of Indian River County, unless such applicator is specifically exempted; provided, however, that this chapter shall not apply within the limits of any municipality which has adopted an ordinance regulating the same subject matter. This chapter shall be prospective only, and shall not impair any existing contracts.

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Section 4. Severability.

If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

Section 5. Codification.

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

Section 6. Effective Date.

This ordinance shall become effective upon filing with the Florida Department of State.

This ordinance was advertised in the Vero Beach Press Journal, on the 8th day of July, 2013, for a public hearing to be held on the 18th day of July, 2013, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Chairman Joseph E. Flescher	_____
Vice Chairman Wesley S. Davis	_____
Commissioner Peter D. O'Bryan	_____
Commissioner Bob Solari	_____
Commissioner Tim Zorc	_____

The Chairman thereupon declared the ordinance duly passed and adopted this ____ day of July, 2013.

**BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA**

By: _____
Joseph E. Flescher, Chairman

ATTEST: Jeffrey R. Smith, Clerk of Court
and Comptroller

Approved as to form and legal sufficiency:

By: _____
Deputy Clerk



County Attorney

EFFECTIVE DATE: This ordinance was filed with the Florida Department of State on the ____ day of _____, 2013.

The 2012 Florida Statutes

Title XXIX

PUBLIC HEALTH

Chapter 403

ENVIRONMENTAL CONTROL

[View Entire Chapter](#)

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

(1) All county and municipal governments are encouraged to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or an equivalent requirement as a mechanism for protecting local surface and groundwater quality.

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

(a) The local government has demonstrated, as part of a comprehensive program to address nonpoint sources of nutrient pollution which is science-based, and economically and technically feasible, that additional or more stringent standards than the model ordinance are necessary in order to adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body.

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

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

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

History. s. 4, ch. 2009-199; s. 16, ch. 2012-83.