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A bill to be entitled
An act relating to Florida Fertilizer Regulatory
Review Council; providing an effective date.

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

Section 1. 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 of practices, which, based on field testing, expert review, and scientific information, individually or cumulatively protect the quality of waters in this state.

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

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

- 1. The sources of nutrients.
- 2. The origin of nutrient sources.
- 3. An estimate of the percentage of nutrients contributed by each nutrient source.
- 4. Nutrient enrichment impacts of nonagricultural fertilizers on surface waters.

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

37 (b) Performing a comprehensive review of the Florida
38 Department of Agriculture and Consumer Services' rule 5E-
39 1.003(2), Florida Administrative Code (commonly known as "The
40 Urban Turf Fertilizer Rule"); the Department of Environmental
41 Protection's MODEL ORDINANCE FOR FLORIDA-FRIENDLY USE OF
42 FERTILIZER ON URBAN LANDSCAPES 2010; and all local ordinances in
43 this state regulating nonagricultural fertilizer or its use.

44 (c) Reviewing existing state statutes and rules relating
45 to the regulation of nonagricultural fertilizer or its use.

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

53 (e) Holding public hearings and taking public testimony
54 concerning the regulation of nonagricultural fertilizers or its
55 use as well as related matters.

56 (f) Recommending amendments to the Department of
57 Environmental Protection's MODEL ORDINANCE FOR FLORIDA-FRIENDLY
58 USE OF FERTILIZER ON URBAN LANDSCAPES 2010 based upon the
59 Council's findings after considering consistency with the
60 Department of Agriculture and Consumer Services' rule 5E-

61 1.003(2), Florida Administrative Code (commonly known as "The
62 Urban Turf Fertilizer Rule").

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

66 (3) The Council shall be composed of 13 members as
67 follows:

68 (a) Three members appointed by the Secretary of the
69 Department of Environmental Protection, one of whom shall be the
70 Secretary or his or her designee and shall serve as the
71 department's representative, one of whom shall be a
72 representative of the environmental community, and one of whom
73 shall be a representative of a water management district.

74 (b) Three members appointed by the Commissioner of
75 Agriculture, one of whom shall be a representative of the
76 Department of Agriculture and Consumer Services, one of whom
77 shall be a representative of the University of Florida's
78 Institute for Food and Agricultural Sciences, and one of whom
79 shall be a representative of the University of Florida's Water
80 Institute.

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

86 (d) Two members appointed by the Speaker of the House of
87 Representatives, one of whom shall be a representative of the
88 fertilizer industry in this state and one of whom shall be a
89 representative of the state's landscape and lawn care trade
90 associations in this state.

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

92 (f) One member appointed by the Florida Association of
93 Counties.

94 (g) One member appointed by the Florida Stormwater
95 Association.

96 (h) Each person or entity appointing members to the
97 Council shall appoint an alternate member for each position on
98 the Council in the same manner as each primary member is
99 appointed. An alternate member may attend and participate in
100 public meetings of the Council in the absence of the primary
101 member, but may not vote as a member of the Council. In the
102 event of a vacancy in a position on the Council, the alternate
103 member for the vacant position shall serve on the Council as a
104 voting member until the vacancy is filled by the person or
105 entity responsible for appointing a member to that position.

106 (i) Appointments of members and alternate members to the
107 Council must be made on or before September 1, 2013.

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

116 (4) The Council shall operate as follows:

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

121 and Consumer Services shall call the first meeting of the
122 Council.

123 (b) The Council shall be staffed and funded jointly by the
124 Department of Agriculture and Consumer Services and the
125 Department of Environmental Protection.

126 (c) The Council is assigned to the Department of
127 Agriculture and Consumer Services for administrative purposes.

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

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

140 (f) The Council shall be dissolved on January 15, 2016, or
141 upon submission of the report required by subsection (5),
142 whichever occurs first.

143 (5) The Council shall submit a written report, including
144 its recommendations and findings, which must be approved by an
145 affirmative vote of at least seven voting members of the
146 Council, to the Governor, the President of the Senate, the
147 Speaker of the House of Representatives, the Commissioner of
148 Agriculture, and the Secretary of the Department of
149 Environmental Protection on or before January 15, 2016.

150 (6) Private sector members of the Council shall not

151 receive from the state per diem or reimbursement for travel
152 expenses.

153 (7)(a) Between July 1, 2013 and June 30, 2016, local
154 governments may not adopt new ordinances to regulate
155 nonagricultural fertilizer or its use. However, a local
156 government may adopt by ordinance the Department of
157 Environmental Protections' MODEL ORDINANCE FOR FLORIDA-FRIENDLY
158 USE OF FERTILIZER ON URBAN LANDSCAPES 2010.

159 (b) An ordinance adopted after March 4, 2013, and before
160 July 1, 2013, to regulate nonagricultural fertilizer or its use
161 shall not be enforced unless it is the Department of
162 Environmental Protections' MODEL ORDINANCE FOR FLORIDA-FRIENDLY
163 USE OF FERTILIZER ON URBAN LANDSCAPES 2010.

164 Section 2. This act shall take effect July 1, 2013.