

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 421 Limited Certification for Urban Landscape Commercial Fertilizer Application

SPONSOR(S): Agriculture and Natural Resources Subcommittee, Smith

TIED BILLS: None **IDEN./SIM. BILLS:** SB 604

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	10 Y, 3 N, As CS	Cunningham	Blalock
2) Community & Military Affairs Subcommittee			
3) Agriculture & Natural Resources Appropriations Subcommittee			
4) State Affairs Committee			

SUMMARY ANALYSIS

Current Florida law provides a limited certification for urban landscape commercial fertilizer application. Starting January 1, 2014, any person applying commercial fertilizer to an urban landscape must be certified. In order to obtain a limited certification for urban landscape commercial fertilizer application, an applicant must submit to the Department of Agriculture and Consumer Services (DACS):

- A training certificate issued by DACS; and
- Pay a certification fee, which is set by DACS in an amount of at least \$25, but not more than \$75.

The certification for urban landscape commercial fertilizer application does not authorize:

- The application of pesticides to turf or ornamentals, or pesticide fertilizer including pesticide fertilizer mixtures;
- The operation of a pest control business; or
- The application of pesticides or fertilizers by unlicensed or uncertified personnel under the supervision of the certified person.

Current law also provides that DACS may provide information concerning the certification status of certified persons to local and state governmental agencies, and DACS is encouraged to create an online database listing those persons who are certified. DACS also is granted the authority to adopt rules to administer the limited certification.

The bill amends current law to provide that the Legislature finds that the implementation of best management practices for commercial fertilizer application to urban landscapes is a critical component of the state's efforts to minimize potential impacts to water quality. The bill also provides that persons who have obtained the limited certification for urban landscape commercial fertilizer application are required to follow best management practices, and that they are exempt from local government ordinances that address the fertilization of urban turfs, lawns, and landscapes. In addition, the bill requires DACS to provide to local and state governmental agencies information concerning the certification status of persons that have obtained the limited certification.

Lastly, the bill grants DACS enforcement authority over persons that have obtained the limited certification for urban landscape commercial fertilizer application, and specifies that all penalties, fines, and administrative actions must be consistent with this chapter.¹

The bill appears to have an insignificant fiscal impact on state and local governments (See Fiscal Analysis).

¹ Section 482.191, F.S., provides that a person who violates any provision of this chapter is guilty of a misdemeanor of the second degree, which is punishable by up to 60 days in jail and a \$500 fine.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0421a.ANRS

DATE: 11/17/2011

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 482.1562, F.S., creates a limited certification for urban landscape commercial fertilizer application to provide a means of documenting and ensuring compliance with the best management practices for commercial fertilizer application to urban landscapes. Starting January 1, 2014, any person applying commercial fertilizer to an urban landscape must be certified. In order to obtain a limited certification for urban landscape commercial fertilizer application, an applicant must submit to the Department of Agriculture and Consumer Services (DACS):

- A training certificate issued by DACS; and
- Pay a certification fee, which is set by DACS in an amount of at least \$25, but not more than \$75.

The limited certification is valid for 4 years and recertification requires that the applicant complete 4 hours of acceptable continuing education, 2 hours of which, must address fertilizer best management practices.

An application for recertification must be made 90 days before the expiration of the current certificate and include proof of the 4 hour continuing education class, and a recertification fee of no less than \$25 but not more than \$75. A late renewal charge of \$50 per month will be assessed 30 days after the date the application for recertification is due and must be paid in addition to the renewal fee. Unless timely recertified, a certificate automatically expires 90 days after the recertification date. Upon expiration, an applicant must reapply in the manner described above.

The certification for urban landscape commercial fertilizer application does not authorize:

- The application of pesticides to turf or ornamentals, or pesticide fertilizer including pesticide fertilizer mixtures;
- The operation of a pest control business; or
- The application of pesticides or fertilizers by unlicensed or uncertified personnel under the supervision of the certified person.

Current law also provides that DACS may provide information concerning the certification status of certified persons to local and state governmental agencies, and DACS is encouraged to create an online database listing those persons who are certified. DACS also is granted the authority to adopt rules to administer the limited certification. Yard workers who apply fertilizer only to individual residential property using fertilizer and equipment provided by the residential property owner or resident are exempt from the limited certification requirements. DACS has the authority to adopt rules to administer this limited certification for urban landscape commercial fertilizer application.

Effect of Proposed Changes

The bill amends s. 482.1562, F.S., to provide that the Legislature finds that the implementation of best management practices for commercial fertilizer application to urban landscapes is a critical component of the state's efforts to minimize potential impacts to water quality. The bill also provides that persons who have obtained the limited certification for urban landscape commercial fertilizer application are required to follow best management practices, and that they are exempt from local government ordinances that address the fertilization of urban turfs, lawns, and landscapes. In addition, the bill requires DACS to provide to local and state governmental agencies information concerning the certification status of persons that have obtained the limited certification.

Lastly, the bill grants DACS enforcement authority over persons that have obtained the limited certification for urban landscape commercial fertilizer application, and specifies that all penalties, fines, and administrative actions must be consistent with this chapter.²

B. SECTION DIRECTORY:

Section 1. Amends s. 482.1562, F.S., providing that the Legislature finds that best management practices for commercial fertilizer application to urban landscapes is a critical component to minimize potential impacts to Florida's water quality; providing that persons who have obtained the limited certification for urban landscape commercial fertilizer application are required to follow best management practices; exempts persons certified and licensed by the Department of Agriculture and Consumer Services (DACS) from local ordinances that address the fertilization of urban turfs, lawns, and landscapes; requires DACS to provide specified information to other local and state governmental agencies; provides DACS with certain enforcement authority; and provides a requirement for related penalties, fines, and administrative actions.

Section 2. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires the Department of Agriculture and Consumer Services (DACS) to provide information concerning the certification status of persons who obtain the limited certification for urban landscape commercial fertilizer application to other local and state governmental agencies. This may result in a potential workload increase for DACS, and therefore, this bill may result in an insignificant fiscal impact to DACS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill exempts persons that have obtained the limited certification for urban landscape commercial fertilizer application from local government ordinances that address the fertilization of urban turfs, lawns, and landscapes. Therefore, this bill may result in an insignificant negative fiscal impact in local revenues from decreases in fines collected from individuals that violate the local ordinances exempted by the bill.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

² Section 482.191, F.S., provides that a person who violates any provision of this chapter is guilty of a misdemeanor of the second degree, which is punishable by up to 60 days in jail and a \$500 fine.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenue in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 15, 2011, the Agriculture & Natural Resources Subcommittee amended and passed HB 421 as a Committee Substitute (CS). The amendment requires that persons who have obtained the limited certification for urban landscape commercial fertilizer application are required to follow best management practices as established by the Department of Environmental Protection.