

MEMORANDUM

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Agenda Item No. 1G1 SUB

TO: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 8, 2020

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Ordinance relating to regulation of fertilizer; creating Chapter 18C of the Code; regulating fertilizer application and usage in the incorporated and unincorporated areas; adopting the Florida Department of Environmental Protection's model ordinance for Florida-friendly fertilizer use for urban landscapes; providing for additional and more stringent standards than the model ordinance, including an annual period during which fertilizer application generally would be prohibited and limitations on nitrogen and phosphorus; providing enforcement authority to department director; amending section 8CC of the Code; providing for enforcement by civil penalty; directing the County Mayor to conduct an educational campaign

This substitute differs from the original version in that it includes a revised social equity statement and a fiscal impact statement. The ordinance remains unchanged from the original.

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Daniella Levine Cava and Commissioner Eileen Higgins and Co-Sponsor Commissioner Jean Monestime.



Geri Bonzon-Keenan
Successor County Attorney

GBK/uw

Memorandum



Date: December 8, 2020

To: Honorable Acting Chairwoman Rebeca Sosa
and Members Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive, flowing style.

Subject: Fiscal Impact Statement for Ordinance Relating to Regulation of Fertilizer


A final comprehensive fiscal impact cannot be determined at this time. The Department of Regulatory and Economic Resources will initially absorb implementation in the short term through existing activities such as environmental compliance on non-agricultural properties, which includes regular inspections and responses to complaints, as well as public educational efforts. Instances of educational efforts that will commence immediately include, but are not limited to, informational language in environmental-related permits, such as those for trees or business operations, as well as traditional methods in the department. Additionally, the Parks Recreation and Open Spaces Department Cooperative Extension Division currently offers State-mandated fertilizer training for commercial applicators and will continue to do so, incorporating the provisions of the Ordinance as part of the training. Over time, the departments involved will adjust education and outreach funding as necessary, beyond the initial enforcement and educational campaign roll out, to ensure effective adherence by residents and businesses.

Memorandum



Date: December 8, 2020

To: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Regulation of Fertilizer Application and Usage in the Incorporated and Unincorporated Areas of Miami-Dade County

The proposed ordinance creates Chapter 18C of the Code of Miami-Dade County (Code) as the "Miami-Dade County Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes" in order to minimize the negative environmental effects from the misuse and overuse of fertilizers on urban landscapes.

This ordinance will establish minimum standards for the County to (1) regulate the proper use of fertilizers by any applicator; (2) require proper training of commercial and institutional fertilizer applicators; (3) establish training and licensing requirements; (4) establish a prohibited application period; and (5) specify allowable fertilizer application rates/methods, fertilizer-free zones, low maintenance zones, and exemptions. This ordinance also directs the County Mayor to conduct an educational campaign to encourage compliance and better educate County residents, property owners, and fertilizer applicators about the importance of the proper application of fertilizer.

The establishment of a fertilizer ordinance restricting application of Phosphorous and Nitrogen is an action recommended by the Biscayne Bay Task Force in the final report presented to the Board of County Commissioners on August 31, 2020 (Recommendation 1K).


The possible benefits to the community include the reduction in costs of fertilizer if overuse is curtailed, and the reduction of nutrient loading into Biscayne Bay. The possible burdens to the community include individuals' time spent becoming informed or trained in the proper use of fertilizers, potential for fines from enforcement of the fertilizer ordinance, and the loss of commercial fertilizer application business activity during the proposed prohibited application period.



MEMORANDUM
(Revised)

TO: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 8, 2020

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 4(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(A)
12-8-20

ORDINANCE NO. _____

ORDINANCE RELATING TO REGULATION OF FERTILIZER; CREATING CHAPTER 18C OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REGULATING FERTILIZER APPLICATION AND USAGE IN THE INCORPORATED AND UNINCORPORATED AREAS; ADOPTING THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION’S MODEL ORDINANCE FOR FLORIDA-FRIENDLY FERTILIZER USE FOR URBAN LANDSCAPES; PROVIDING FOR ADDITIONAL AND MORE STRINGENT STANDARDS THAN THE MODEL ORDINANCE, INCLUDING AN ANNUAL PERIOD DURING WHICH FERTILIZER APPLICATION GENERALLY WOULD BE PROHIBITED AND LIMITATIONS ON NITROGEN AND PHOSPHORUS; PROVIDING ENFORCEMENT AUTHORITY TO DEPARTMENT DIRECTOR; AMENDING SECTION 8CC OF THE CODE; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO CONDUCT AN EDUCATIONAL CAMPAIGN; PROVIDING SEVERABILITY, INCLUSION OF THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the excessive and improper use of fertilizers can contribute to water quality issues and can lead to water quality degradation; and

WHEREAS, the excessive and improper use of fertilizer can also be economically inefficient, for example by leading property owners and residents to waste money by applying too much fertilizer or by applying fertilizer during periods of heavy rain, when it will be washed away; and

WHEREAS, section 403.9337, Florida Statutes, requires county and municipal governments that are “located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to section 403.067,” Florida Statutes, to, at a minimum, adopt

the State of Florida’s model ordinance for Florida-Friendly Fertilizer Use for Urban Landscapes to regulate the application of fertilizer “as a mechanism for protecting local surface and groundwater quality;” and

WHEREAS, the Florida Department of Environmental Protection (FDEP) has confirmed that Miami-Dade County is located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to section 403.067, Florida Statutes, and therefore Miami-Dade County is required to, at a minimum, adopt the State’s model ordinance; and

WHEREAS, section 403.9337, Florida Statutes, also expressly allows local governments to adopt additional or more stringent standards than the model ordinance after taking certain enumerated actions, and many local governments throughout the state have done so; and

WHEREAS, pursuant to section 403.9337, to adopt additional or more stringent standards than the model ordinance, a local government must (1) demonstrate, as part of a comprehensive program to address nonpoint sources of nutrient pollution that is science-based and economically and technically feasible, that additional or more stringent standards are necessary to adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body, and (2) consider all input received from various state agencies and other relevant scientific information; and

WHEREAS, the County has met the requirements in section 403.9337 for the adoption of additional or more stringent standards than the model ordinance; and

WHEREAS, this ordinance is stricter than the State of Florida’s model ordinance in certain respects, as it:

- establishes an annual period between May 15 and September 30 during which fertilizer application generally would be prohibited;

- requires larger fertilizer-free zones next to bodies of water than the model provides;
- sets quantitative limits on using fertilizer containing nitrogen; and
- prohibits using fertilizer containing phosphorus unless a soil test shows a phosphorus deficiency at the particular location where it is to be applied; and

WHEREAS, currently, the County has a comprehensive program to address non-point sources of nutrient pollution that includes, but is not limited to, the following:

- requiring property owners to connect to the sanitary sewer system as a condition of certain development approvals for property that is within a feasible distance to a sewer line, unless the property owner obtains a variance;
- regulating and enforcing the County's clean-up target levels for contaminants in soil and water, as provided in chapter 24 of the County Code;
- requiring review and approval by the Miami-Dade County Department of Regulatory and Economic Resources' Division of Environmental Resources Management (DERM) prior to construction, installation, or alteration of outfalls or overflow systems discharging to waterbodies of Miami-Dade County; and
- regulating activities involving dewatering of groundwater and surface water; and

WHEREAS, a rigorous study conducted by DERM of the County's water quality and seagrass survey data and a review of relevant scientific literature and academic studies indicates that chronic, low-level nutrient loading; acute, pulsed nutrient loading; or a combination of both are likely linked to seagrass loss in Biscayne Bay, as cited in the County's January 28, 2019 Study

on the Decline of Seagrass and Hardbottom Habitat (available online at: <http://www.miamidade.gov/mayor/library/memos-and-reports/2019/01/01.28.19-Report-on-the-Findings-of-the-Countys-Study-on-the-Degradation-of-Seagrass-and-Hardbottom-Habitat-in-Biscayne-Bay-Directive-No-171537.pdf>); and

WHEREAS, urban fertilizers contribute some degree of nutrient loading to the County’s watershed, and reducing all forms of avoidable nutrient loading is important to protect water resources; and

WHEREAS, based on a rigorous study and review of scientific information by County staff, additional actions are needed to address nonpoint source nutrient loading to water bodies in Miami-Dade County, including nutrients that may come from urban fertilizer, to protect water resources; and

WHEREAS, in particular, FDEP’s 2008 “Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries” (the “Florida Friendly BMPs”) specifically implicates phosphorus “as a cause of increased algae growth in surface water impoundments;” and

WHEREAS, according to the Florida Friendly BMPs, because “[m]any Florida soils are high in extractable P [phosphorus] and may never require P [phosphorus] fertilization for optimum turfgrass growth,” the Florida Friendly BMPs “strongly recommends soil testing before” phosphorus fertilization and recommends that phosphorus fertilization “always be based on reliable soil or tissue test recommendations;” and

WHEREAS, similarly, for landscape plants, the Florida Friendly BMPs generally recommend that “phosphorus content of the fertilizer should be zero unless a soil tissue test indicates a need for additional fertilizer;” and

WHEREAS, in addition to considering FDEP’s Florida Friendly BMPs, the County has considered all relevant scientific information, including any other input provided by the FDEP, the Florida Department of Agriculture and Consumer Services, and the University of Florida Institute of Food and Agricultural Sciences, on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation; and

WHEREAS, the relevant scientific information that has been considered is on file with DERM and is available upon request; and

WHEREAS, this ordinance provides for certain exemptions from its regulations, such as for bona fide farm operations; and

WHEREAS, this Board wishes to adopt these regulations related to fertilizer, which are consistent with and, where appropriate, add to or are stricter than, FDEP’s model ordinance; and

WHEREAS, this Board also wishes to direct the County Mayor or County Mayor’s designee to conduct an educational campaign to encourage compliance and better educate County residents, property owners, and fertilizer applicators about the proper application of fertilizer and the importance thereof, together with environmentally-sound landscaping practices that may reduce or eliminate the need for fertilizer,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are incorporated into this ordinance and are approved.

Section 2. Chapter 18C of the Code of Miami-Dade County, Florida, is hereby created

to read as follows:¹

>>Chapter 18C – Miami-Dade County Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes

Sec. 18C-1. - Short Title and Applicability.

(A) This chapter shall be known and may be cited as the "Miami-Dade County Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes."

(B) Applicability; Exemptions.

(1) This chapter shall be a minimum standard and shall apply to both the incorporated and unincorporated areas. In the unincorporated areas, this chapter shall be enforced by the County, and in the incorporated areas, this chapter shall be enforced by the municipalities. Any municipality may establish and enforce more stringent regulations as such municipality may deem necessary. It is provided, however, that if the provisions herein are not enforced within a municipality, the County may enforce such provisions. The penalties in chapter 8CC for violations of this chapter shall also be a minimum standard and shall apply to both the incorporated and unincorporated areas. Notwithstanding anything stated to the contrary in this chapter, subsections (A) and (B) of section 18C-8 shall not constitute required minimum standards for municipalities when municipalities are enforcing this chapter, nor shall municipalities be authorized to exercise the enforcement authority cited in those subsections.

(2) This chapter shall be applicable to and shall regulate any and all applicators and areas of application of fertilizer, unless such applicator or area is specifically exempted by the terms of this chapter. This chapter shall be prospective only, and shall not be construed to impair any existing contracts.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (3) The provisions set forth in this chapter shall not apply to:
 - (a) Bona fide farm operations, as defined in the Florida Right to Farm Act, section 823.14, Florida Statutes, as may be amended;
 - (b) Other properties that are not subject to or covered by the Florida Right to Farm Act but that have pastures used for grazing livestock; and
 - (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.

- (4) The provisions set forth in this chapter in subsection 18C-4(A)(1) related to the restricted period, subsection 18C-4(C)(3) related to limitations on nitrogen, and subsection 18(C)-4(C)(4) related to limitations on phosphorus, shall not apply to:
 - (a) Vegetable gardens, defined as a plot of ground where herbs, fruits, flowers, or vegetables are cultivated for human ingestion, when located on residential properties;
 - (b) Yard waste compost, mulches, or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil; or
 - (c) Tree trunk injection fertilization treatments that are performed by a certified arborist.

Sec. 18C-2. Legislative Intent, Findings, and Purpose.

- (A) The Board of County Commissioners hereby finds that the use of fertilizers on urban landscapes within Miami-Dade County contributes to adverse effects on surface and ground waters within the County, by impairing surface waters with excessive nutrients and by impairing surface and groundwater aquifers with increased levels of nitrogen and phosphorus. Accordingly, the Board of County Commissioners finds it appropriate to regulate the use of fertilizer on urban landscapes as provided in this chapter, including, but not limited to, those provisions that are stricter than those contained in the Florida Department of

Environmental Protection’s Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.

- (B) It is the intent of this chapter to establish minimum standards for Miami-Dade County to: regulate the proper use of fertilizers by any applicator; require proper training of commercial and institutional fertilizer applicators; establish training and licensing requirements; establish a prohibited application period; and specify allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions, with the goal of minimizing the negative secondary and cumulative environmental effects associated with the misuse and overuse of fertilizers on urban landscapes. Secondary and cumulative effects related to excess nutrients, such as algal blooms and seagrass impacts have been observed in and on water bodies in Miami-Dade County. Collectively, these water bodies are an asset that is critical to the environmental, recreational, cultural, and economic well-being of Miami-Dade County residents and the health of the public. Overgrowth of algae and vegetation can also 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.

Sec. 18C-3. - Definitions.

For this chapter, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise:

- (1) “Application” or “apply” means the actual physical deposit of fertilizer to turf, landscape plants, or the ground.
- (2) “Applicator” means any person who applies fertilizer on turf, landscape plants, or the ground in Miami-Dade County.
- (3) “Commercial fertilizer applicator” means any person who applies fertilizer for payment or other consideration to property not owned by the person applying the fertilizer or the employer of the applicator. It is provided, however, that, in accordance with section 482.1562(9), Florida Statutes, this classification shall not apply to yard workers who apply

fertilizer only to individual residential properties using fertilizer and equipment provided by the residential property owner or resident.

- (4) “Department” means the Miami-Dade County Division of Environmental Resources Management of the Department of Regulatory and Economic Resources or the successor department responsible for environmental regulation.
- (5) “Fertilize,” “fertilizing,” or “fertilization” means the act of applying fertilizer to turf, specialized turf, or landscape plants.
- (6) “Fertilizer” means 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.
- (7) “Institutional applicator” means any person, other than a private, non-commercial or commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf or landscape plants. Institutional 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 or other common ownership.
- (8) “Landscape plant” means any native or exotic tree, shrub, or groundcover, excluding turf.
- (9) “Person” means any natural person and any business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and any other group of people acting as an organized entity.
- (10) "Saturated soil" means 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 if the pressure of a person standing on the soil causes the release of free water.
- (11) “Slow release nitrogen” means nitrogen in a form that delays its availability for plant uptake and use after application, or that extends its availability to the plant longer than a

reference rapid or quick release product, and may also be referred to as controlled release nitrogen, timed release nitrogen, slowly available nitrogen, or water insoluble nitrogen.

(12) “Turf” means a piece of grass-covered soil held together by the roots of the grass, and may also be referred to as sod or lawn.

(13) “Urban landscape” means a pervious area on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural land that is planted with turf or landscape plants, including horticultural plants, within Miami-Dade County.

Sec. 18C-4. - Regulations on applying fertilizer on urban landscapes

(A) *Restrictions on timing of fertilizer application.*

(1) *Restricted period from May 15 to September 30 of each year. No applicator shall apply fertilizers containing nitrogen or phosphorus to turf or landscape plants during the period each year beginning on May 15 and ending on September 30 (the “restricted period”).*

(2) *Additional restrictions outside of the restricted period. No applicator shall apply fertilizers containing nitrogen or phosphorus:*

(a) *During any period for which the National Weather Service has issued any of the following advisories for any portion of Miami-Dade County:*

(i) *A flood watch or warning, a tropical storm watch or warning, or a hurricane watch or warning; or*

(ii) *Rain greater than or equal to two inches in a 24-hour period is forecasted.*

(b) *Before seeding or sodding a site.*

(c) *For the first 60 days after seeding or sodding, except when hydro-seeding for temporary or*

permanent erosion control in an emergency situation, such as a wildfire, or in accordance with the Stormwater Pollution Prevention Plan for that site.

(B) *Restrictions on location of fertilizer application.*

(1) No applicator shall apply fertilizers containing nitrogen or phosphorus to:

- (a) Saturated soil; or
- (b) Turf that is dead or not actively growing.

(2) *Fertilizer-free zones.*

(a) In addition to the foregoing restrictions, fertilizer shall not be applied within 25 feet of any of the following, which area shall be referred to as a “fertilizer-free zone”:

- (i) any pond, stream, watercourse, lake, or canal;
- (ii) any wetland as defined by the Florida Department of Environmental Protection in accordance with chapter 62-340 of the Florida Administrative Code; or
- (iii) from the top of a seawall.

(3) *Voluntary low-maintenance zones.*

(a) A “low-maintenance zone” is a 10-foot zone around any pond, stream, water course, lake, canal, wetland, or top of a seawall that is planted and managed to eliminate the need for fertilization and minimize the need for watering or mowing.

(b) Each property owner is encouraged, but not required, to:

- (i) maintain a low-maintenance zone;
- (ii) not deposit or leave any mowed or vegetative material in the low-maintenance zone;
- (iii) install a swale or berm system at the landward edge of the low-maintenance zone, to capture and filter runoff; and
- (iv) take care to prevent the overspray of aquatic weed products within a low-maintenance zone.

- (C) Fertilizer Content and Application Rates. Application of fertilizer, where and when permitted in accordance with subsections (A) and (B), is subject to the following additional provisions.
- (1) Lowest recommended rates. For turf and landscape plants, applicators are encouraged to only apply fertilizer at the lowest recommended rate according to the Florida Department of Environmental Protection's 2008 "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida," as may be amended.
 - (2) Fertilizer label instructions. Applicators shall not apply fertilizer in violation of fertilizer label directions. This shall not be construed to authorize an applicator to violate any other provision of this ordinance.
 - (3) Limitations on nitrogen. It shall be a violation of this section to apply fertilizers containing nitrogen to turf or landscape plants in concentrations, rates, or frequencies inconsistent with the following:
 - (a) No more than two pounds of nitrogen per 1,000-square-foot area per calendar year; and
 - (b) No more than one-half pound of nitrogen per 1,000-square-foot area per application; and
 - (c) Granular fertilizers containing nitrogen shall contain no less than 65 percent slow-release nitrogen per guaranteed analysis label.
 - (4) Limitations on phosphorus. No fertilizer containing phosphorus shall be applied to turf or landscape plants, except where a phosphorus deficiency has been demonstrated in the soil underlying the respective turf and landscape plants by a soil analysis test performed by a State of Florida certified laboratory. Any person who obtains a soil analysis test showing a phosphorus deficiency and who wishes to apply phosphorus to turf or landscape plants shall provide a copy of the test results to the Department prior to the application of phosphorus. Phosphorus shall not be applied in excess of the amount needed to correct the deficiency as indicated by said test results.

(5) Additional limitations on fertilizer content. Unless a soil or tissue deficiency has been verified by an approved test, nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) recommendations for turf, landscape plants, vegetable gardens, and fruit trees and shrubs.

(6) Fertilizers labeled for sports turf at golf courses, parks, and athletic fields shall:

(a) Have directions for use to not exceed the rates recommended in the document titled SL191 “Recommendations for N, P, K and Mg for Golf Course and Athletic Field Fertilization Based on Mehlich I Extractant,” dated March 2007; and

(b) Have directions for use in accordance with the recommendations in “BMPs for the Enhancement of Environmental Quality on Florida Golf Courses,” published by the Florida Department of Environmental Protection, dated October 2012.

(D) Application practices and handling of spills on impervious surfaces.

(1) 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.

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

(3) 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.

(4) Fertilizer released on an impervious surface must be immediately contained and either legally applied, in a manner consistent with this chapter, to turf or any other legal site, or returned to the original or other appropriate container.

- (5) No fertilizer shall be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or waterbodies.

Sec. 18C-5. - Management of grass clippings and vegetative matter.

Grass clippings, vegetative material, vegetative debris, and any mowed material shall not be washed, swept, deposited or blown off into stormwater drains, ditches, conveyances, water bodies, canals, ponds, streams, water courses, lakes, wetlands, sidewalks, or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

Section 18C-6. – Training for applicators.

- (A) By March 1, 2021, each commercial and institutional applicator shall successfully complete and abide by 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 18C-7. - Licensing of commercial applicators.

- (A) All commercial applicators shall 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 University of Florida IFAS “Florida-Friendly Landscapes” program, or an approved equivalent program, prior to obtaining or renewing a Local Business Tax Certificate or equivalent for any category of occupation which may apply Fertilizer to turf or landscape plants. The provisions of this paragraph shall apply to Local Business Tax Certificates that

are obtained or renewed after March 1, 2021.

- (B) By March 1, 2021, all commercial applicators 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 in accordance with Rule 5E-14.117(18) of the Florida Administrative Code. In addition, commercial applicators shall have at least one employee present onsite during fertilizer application who has a “Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries” training certificate.
- (C) As of March 1, 2021, each business in any category of occupation that may apply fertilizer to turf or landscape plants, which includes, but is not limited to, residential lawns, golf courses, commercial properties, and multi-family and condominium properties, shall have at least one employee with 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. The owner of each such business shall be responsible for providing proof of completion of the program to the Tax Collector’s Office at the time of obtaining a Local Business Tax Certificate.

Sec. 18C-8. - Enforcement.

- (A) The Department Director may execute any and all powers provided in chapter 24, including but not limited to the authority to issue orders to cease and desist, and orders to restore the air, waters, ground and property, including animal, plant and aquatic life, of the County in accordance with the provisions of chapter 24.
- (B) Violations of this chapter may be punished by fines in accordance with chapter 8CC and may be addressed by any penalties or remedies provided in section 1-5, chapter 8CC, and chapter 24, as applicable.
- (C) Failure to comply with the provisions of this chapter shall constitute a violation. All matters enumerated and prohibited herein shall be independent of each other, and the violation of any one of the provisions of this chapter shall be a separate violation of this chapter.
- (D) Pursuant to section 8CC-3, each municipality shall have the authority to designate code inspectors to issue civil violation

- notices for violations of this chapter.
- (D) All funds available to or recovered by the County from enforcement and damage actions and claims pursuant to this chapter shall be deposited into the Biscayne Bay Environmental Enhancement Trust Fund, and disbursements of said monies may only be made in accordance with section 24-40(4).

Sec. 18C-9. Conflicts with other ordinances or regulations.

If this chapter conflicts with other ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.<<

Section 3. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * *

Code Section	Description of Violation	Civil Penalty
	* * *	
>> <u>Ch. 18C</u>	<u>All chapter 18C violations</u>	<u>50.00<<</u>
	* * *	

Section 4. *Educational campaign required.* This Board hereby directs the County

Mayor or County Mayor's designee to conduct an educational campaign for residents, property owners, and any individuals and businesses that work with fertilizer in the County, to educate and inform them as to the policies and regulations contained within this ordinance, together with environmentally sound landscaping practices that may support the policies and regulations contained within this ordinance.

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Abbie Schwaderer Raurell
Dennis A. Kerbel

Co-Prime Sponsors: Commissioner Daniella Levine Cava
Commissioner Eileen Higgins
Co-Sponsor: Commissioner Jean Monestime