

Summary of Ordinance

The purpose of this Ordinance is to amend Section 6.13.03, Lake County Code, Appendix E, Land Development Regulations, entitled *General Requirements*, to provide an additional exemption from the regulations regarding fertilizer use when complying with the Golf Course Best Management Practices Certification program pursuant to Section 403.9339, Florida Statutes. Section 403.9339, Florida Statutes, exempts any person with this certification from local ordinances regulating water and fertilizer use as of July 1, 2022. Section 6.13.05, Lake County Code, Land Development Regulations, entitled *Licensing of Commercial Applications*, will also be amended to correct references.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE FOLLOWING SECTIONS OF THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS: 6.13.03, ENTITLED *GENERAL REQUIREMENTS*, TO PROVIDE AN ADDITIONAL EXEMPTION FROM THE FERTILIZER REGULATIONS PURSUANT TO SECTION 403.9339, FLORIDA STATUTES; SECTION 6.13.05, ENTITLED *LICENSING OF COMMERCIAL APPLICATIONS*, TO CORRECT LEGAL REFERENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the Florida Springs and Aquifer Protection Act, Chapter 373, Part VIII, Florida Statutes, the Legislature found that a spring, which is a unique part of the State’s scenic beauty, may be adversely affected by polluted runoff from urban and agricultural lands; discharges resulting from inadequate wastewater and stormwater management practices; stormwater runoff; and reduced water levels of the Floridan Aquifer; and

WHEREAS, the jurisdictional boundaries of Lake County, Florida, include part of a springshed and/or delineated priority focus area of an Outstanding Florida Spring and therefore is a local government designated under Section 373.802(2), Florida Statutes; and

WHEREAS, Section 373.807(2), Florida Statutes, required each local government, as defined in Section 373.802(2), by July 1, 2017, to develop, enact, and implement an ordinance pursuant to the Model Ordinance for Florida-Friendly Use on Urban Landscapes contained in Section 403.9337, Florida Statutes; and

WHEREAS, on April 18, 2017, the Lake County Board of County Commissioners (“Board”) enacted Ordinance No. 2017-17, thereby adopting the Florida Department of

1 Environmental Protection Model Ordinance for Florida-Friendly Fertilizer Use on Urban
2 Landscapes and amending the Code to provide a new section, entitled *Fertilizer Use*; and
3

4 **WHEREAS**, on November 28, 2017, the Board adopted Ordinance No. 2017-55,
5 amending the Lake County Code to include additional restrictions on fertilizer use; and
6

7 **WHEREAS**, on June 30, 2022, the Governor signed into law House Bill 967 which created
8 Section 403.9339, Florida Statutes, entitled *Golf Course Best Management Practices Certification*
9 with an effective date of July 1, 2022; and
10

11 **WHEREAS**, Section 403.9339, Florida Statutes, provides that a person certified through
12 the Golf Course Best Management Practices Certification Program is exempt from local
13 ordinances relating to water and fertilizer blackout periods or restrictions, unless a state of
14 emergency is declared; and
15

16 **WHEREAS**, the Board is now required to amend the Lake County Code to provide an
17 exemption for persons certified through the Golf Course Best Management Practices Certification
18 Program to comply with the newly enacted state law; and
19

20 **WHEREAS**, the Board hereby finds that this Ordinance is in the best interest of the
21 residents of Lake County, Florida.
22

23 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
24 Lake County, Florida as follows:
25

26 **Section 1. Legal Findings of Fact.** The foregoing recitals are hereby adopted as
27 legislative findings of the Board of County Commissioners and are ratified and confirmed as being
28 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.
29

30 **Section 2. Amendment.** Section 6.13.03, Lake County Code, Appendix E, Land
31 Development Regulations, entitled *General Requirements*, is hereby amended to read as follows:
32

33 **6.13.03 General Requirements.**

34 A. Timing of Fertilizer Application.

- 35 1. No Applicator shall apply Fertilizers containing nitrogen, or phosphorus, or both to
36 Turf or landscape plants during the Prohibited Application Period, or to Saturated
37 Soils.
- 38 2. Fertilizers containing nitrogen or phosphorus may not be applied to Turf from June
39 1 to and including September 30 of each year.
- 40 3. Fertilizers containing iron, manganese, and other micronutrients (excluding
41 nitrogen, phosphorus, or both), commonly referred to as summer blends, may be
42 applied to Turf from June 1 to and including September 30 of each year as
43 recommended by Florida Yards & Neighborhood/Florida Friendly Landscape
44 Program.

- 1 B. Fertilizer Free Zones. Fertilizer shall not be applied within fifteen (15) feet of any pond,
2 stream, watercourse, lake, canal, or wetland as defined in Chapter 62-340, F.A.C., as
3 amended, or from the top of a seawall. Caution shall be used to prevent direct deposition
4 of nutrients into the water.
- 5 C. Low Maintenance Zones. A voluntary fifteen (15) foot low maintenance zone is strongly
6 recommended, but not mandated, from any pond, stream, water course, lake, wetland or
7 from the top of a seawall. If more stringent regulations apply, this provision does not
8 relieve the requirement to adhere to the more stringent regulations. No mowed or cut
9 vegetative material may be deposited or left remaining in this zone or deposited in the
10 water. Care shall be taken to prevent the over-spray of aquatic weed products in this
11 zone.
- 12 D. Fertilizer Content and Application Rates.
- 13 1. Fertilizers applied to Turf within unincorporated Lake County shall be applied in
14 accordance with requirements and directions provided by Section 5E-1.003, F.A.C.,
15 as amended.
- 16 2. Fertilizers containing nitrogen shall not be applied before seeding or sodding a site,
17 and shall not be applied for the first thirty (30) days after seeding or sodding, except
18 when hydro-seeding for temporary or permanent erosion control in an emergency
19 situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention
20 Plan for that site.
- 21 3. Fertilizers containing nitrogen or phosphorus shall not be applied to Turf or
22 landscape plants except as provided in subsection (1) above for Turf, or in UF/IFAS
23 recommendations for landscape plants, vegetable gardens, and fruit trees and
24 shrubs. Furthermore, fertilizers containing phosphorus shall not be applied to Turf
25 unless a soil or tissue deficiency has been verified by an approved test.
- 26 4. Fertilizers containing nitrogen applied to Turf or landscaping plants during the
27 period of October 1 through May 31 must contain no less than fifty percent (50%)
28 slow-release nitrogen.
- 29 E. Application Practices.
- 30 1. Spreader deflector shields are required when fertilizing via rotary (broadcast)
31 spreaders. Deflectors must be positioned such that Fertilizer granules are deflected
32 away from all impervious surfaces, fertilizer-free zones, and water bodies,
33 including wetlands.
- 34 2. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious
35 surfaces.
- 36 3. Any Fertilizer applied, spilled, or deposited, either intentionally or accidentally, on
37 any impervious surface shall be immediately and completely removed to the
38 greatest extent practicable.
- 39 4. Fertilizer released on an impervious surface must be immediately contained and
40 either legally applied to Turf or any other legal site, or returned to the original or
41 other appropriate container.

1 5. In no case shall Fertilizer be washed, swept, or blown off impervious surfaces into
2 stormwater drains, ditches, conveyances, or water bodies.

3 F. Management of Grass Clipping and Vegetative Matter. In no case shall grass clippings,
4 vegetative material, and/or vegetative debris be washed, swept, or blown off into
5 stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or
6 roadways. Any material that is accidentally so deposited shall be immediately removed
7 to the maximum extent practicable.

8 G. Exemptions. The provisions set forth above in this Ordinance shall not apply to:

9 1. Bona fide farm operations as defined in the Florida Right to Farm Act, ~~F.S. §~~
10 Section 823.14, Florida Statutes, as amended;

11 2. Other properties not subject to or covered under the subsection 1 above that have
12 pastures used for grazing livestock;

13 3. Any lands used for bona fide scientific research, including, but not limited to,
14 research on the effects of fertilizer use on urban stormwater, water quality,
15 agronomics, or horticulture; ~~and~~

16 4. ~~Golf courses, Athletic~~ fields and Turf managed for active recreation, whose owners
17 implement best management practices as described in Section 5E-1.003(3)(2)(d),
18 F.A.C., entitled "~~Fertilizers Labeled, for Sports Turf at Golf Courses, Parks and~~
19 ~~Athletic Fields~~Labeling requirements for sports turf", as amended; ~~and~~

20 5. Golf courses whose owners implement best management practices and utilize only
21 certified golf course applicators as set forth in Section 403.9339, Florida Statutes,
22 entitled *Golf course best management practices certification*, as amended.
23

24 **Section 3. Amendment.** Section 6.13.05, Lake County Code, Appendix E, Land
25 Development Regulations, entitled *Licensing of Commercial Applications*, is hereby amended to
26 read as follows:

27 **6.13.05 Licensing of Commercial Applications.** All commercial applicators of Fertilizer
28 within the unincorporated area of Lake County shall have and carry in their possession at all
29 times when applying fertilizer, evidence of certification by the Florida Department of
30 Agriculture and Consumer Services as a Commercial Fertilizer Applicator per Section 5E-
31 14.117(118), F.A.C. All businesses applying Fertilizer to Turf and/or landscape plants
32 (including, but not limited to, residential lawns, golf courses, commercial properties, and multi-
33 family and condominium properties) must ensure that at least one employee has a "*Florida-*
34 *Friendly Best Management Practices for Protection of Water Resources by the Green Industries*"
35 training certificate.

36 **Section 4. Severability.** If any section, sentence, clause, or phrase or word of this
37 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by
38 any court of competent jurisdiction, then said holding shall in no way affect the validity of the
39 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners'
40 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
41 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held

1 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
2 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
3 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
4 other person, property or circumstances.

5
6 **Section 5. Inclusion in the Code.** It is the intent of the Board of County
7 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake
8 County Code and that the sections of this Ordinance may be renumbered or relettered and the word
9 "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in
10 order to accomplish such intentions.

11
12 **Section 6. Filing with the Department of State.** The Clerk shall be and is
13 hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for
14 the State of Florida in accordance with Section 125.66, Florida Statutes.

15
16 **Section 7. Effective.** This Ordinance shall become effective as provided for by
17 law.

18
19 Enacted this _____ day of _____, 2023.

20
21 Filed with the Secretary of State _____, 2023.

22
23
24
25 ATTEST:

24 BOARD OF COUNTY COMMISSIONERS
25 OF LAKE COUNTY, FLORIDA

26
27
28
29 _____
30 Gary J. Cooney, Clerk of the
31 Board of County Commissioners
32 of Lake County, Florida

28
29 _____
30 Kirby Smith, Chairman

31 This ____ day of _____, 2023.

33 Approved as to form and legality:

34
35
36
37 _____
Melanie Marsh, County Attorney