

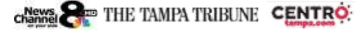


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Lawmakers consider bill to abolish local fertilizer laws

2010, PAUL LAMISON/STAFF



The Hillsborough commissioners discussed a ban, but rejected an ordinance banning summer fertilizer sales.

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By WILLIAM MARCH | The Tampa Tribune

Published: March 15, 2011
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TALLAHASSEE - Environmentalists and local government officials are worried about a bill moving through the Florida Legislature that would abolish all local ordinances restricting lawn fertilizer use, replacing them with a less restrictive state law.

In the Tampa Bay area, Pinellas and Sarasota counties have adopted ordinances banning nitrogen or phosphorus fertilizer use during the summer rainy season, to prevent pollution of Tampa Bay and local lakes and springs.

They cite fertilizer that spills off residential lawns as a cause of algae growth that pollutes water bodies.

Ending local governments' ability to restrict fertilizer could even harm economic growth, say the local officials.

The restrictions are an inexpensive way to meet new federal limits on nitrogen discharges into Tampa Bay – limits that could quash new development, if that development was expected to increase runoff.

But retailers who sell fertilizer argue that a statewide law is needed to prevent a patchwork of regulations from county to county or city to city, some limiting fertilizer sales, some limiting fertilizer use and some doing both.

At the same time, another bill moving through the Legislature would repeal a law passed just last year requiring increased septic tank inspections.

Septic tanks are also considered a source of pollution of groundwater that feeds spring and lakes, and leaking tanks create runoff polluted with the kind of bacteria that lead to beach closings, opponents say.

The fertilizer bill is "designed to reduce the confusion [and] create a uniform regulation based on scientific fact," said state Sen. Greg Evers,

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R-Baker, the bill's Senate sponsor, told a meeting of the Senate Agriculture Committee Monday.

It would require counties with polluted water bodies to adopt a "model ordinance" developed by a state Task Force two years ago, but forbid them from adopting anything stronger. It and a companion House bill would also revoke stricter ordinances already passed.

"It stops a patchwork regulation [that would] continue and further hurt our business and retailers," said Evers, who runs a farm supply store.

Business spokesmen including Associated Industries of Florida, the state's leading business lobbying group, backed the bill before the committee.

Sally West of the Florida Retailers Association said it isn't about water quality. "It's a retail bill ... about the sale of legal products. These different ordinances have created a great deal of confusion."

Local government representatives including the Florida League of Cities and Association of Counties spoke against it, along with environmental groups.

"All our environmental indicators at the moment are moving in a positive direction – scallops, sea grass, water quality," since Sarasota County adopted its ordinance in 2007, said Jack Merriam, the county's environmental manager.

David Cullen of the Sierra Club of Florida said it "was designed as a floor, as a minimum level of care and restriction," but the bill "would make it a ceiling."

Michael Juchnowicz of Gardenmasters landscaping company in Venice, a member of the task force that wrote the model ordinance, told the committee he initially opposed fertilizer restrictions, like many landscaping professionals, but now favors them.

Working within the restrictions, he said, he used 200 tons less fertilizer last year, cutting pest and fungus problems.

"My kids live here, I have to live here," he said. "It's all about, are you for clean water or against clean water."

The Hillsborough County commissioners last year rejected an ordinance banning summer fertilizer sales, despite support from the city of Tampa. The commissioners debated whether evidence showed that fertilizer bans actually would cut pollution.

Still, the bill would affect Hillsborough's ordinance, which has requirements for training of landscaping professionals stricter than the model ordinance.

About 47 cities and counties are covered by ordinances stricter than the model ordinance including Charlotte, Lee, Marion and Orange counties and several Southwest Florida cities.

The committee, with three members absent and no Tampa Bay members present, voted 4-0 in favor of the bill, but at least two members said they hadn't been aware of the local government objections, and their position could change.

"This is frustrating – I'm from local government," said Sen. Rene Garcia, R-Hialeah. He said he hopes Evers and the local officials can reach a compromise.

Pinellas County Commissioner John Morrioni, a former state House member and advocate of the restrictions, said Pinellas legislators have been asked to oppose it. "Our people know how important this is to the county."

"Everybody always talks about local control," he said. "This is something that's better left to the local folks back home."

Kelli Levy, watershed management director for Pinellas County, said the model ordinance required in the bill would be unenforceable. It forbids fertilizer use only when heavy rain is forecast.

"We can't run around watching everybody on days when heavy rain is expected," she said. With the existing ordinance, "We work with the retailers instead of a million people."

She said cleaning up polluted water bodies is extremely expensive, whereas educating people to use less fertilizer is cheap.


The Pinellas ordinance also requires that fertilizer sold in the county be a "slow-release" variety that's considered less polluting.


Because some Tampa Bay area counties have such ordinances and some don't, she said, governments in the area are undertaking a study to find out whether such an ordinance really does decrease pollution, the only such study ever done.


The bill, by banning the ordinances, would halt that, she said.



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Posted by (soneal56) on 03/15/2011 at 05:25 am.

Anything business wants, business will get, no questions asked now that Scott and his GOP thugs have their way. Damnnnnnn the people!

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Posted by (StopWhining) on 03/15/2011 at 06:04 am.

Funny how lawmakers worry about prisoners health by banning smoking but could care less about air and water quality of us and our families. Thank you right wingers.

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Posted by (scruffy1) on 03/15/2011 at 06:05 am.

(This comment was removed by the site staff.)[Report Inappropriate Comments](#)

Posted by (SomePeopleCallMeMaurice) on 03/15/2011 at 06:20 am.

This is self-serving legislation. Even moderately restrictive local limits on fertilizer emissions would prevent most politicians from speaking within their own districts.

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Posted by (kayman88) on 03/15/2011 at 06:32 am.

Is there anything in your life anymore the goverment doesn't regulate?

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Posted by (kingfish) on 03/15/2011 at 07:01 am.

our waterways are in a very bad way because of fertilizer,Fact.

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Posted by (howdiedudie) on 03/15/2011 at 07:56 am.

(This comment was removed by the site staff.)[Report Inappropriate Comments](#)

Posted by (scruffy1) on 03/15/2011 at 08:02 am.

Aren't these the same people who want to remove centralized government from our lives? Who doesn't remember the amazing odors which once floated up from Tampa Bay every low tide? For those of you who don't, get ready to welcome it back.

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Posted by (s_adair) on 03/15/2011 at 08:34 am.

Why are there local laws? Probably because Tampa Bay's needs are different from Orlando's. How is that confusing?

How have people been able to conform to avarying local laws all over the country. In some states there are dry counties. I suppose that would be confusing to an alcoholic.

Whatever happened to a community having a say over their lives. State

Government can be big government too! Bring the power back to the people and allow them to have local control. Aspects such as this -- where needs vary because it depends on the effect of the fertilizer. I remember when school districts created local policy. This is yet another example of big government but people can't see it.

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Posted by (polk007) on 03/15/2011 at 10:31 am.

obozo; that's why the local governments were dealing with the suppliers and not the users. I guess Mosiac, Home Depot, and Lowes sent their peeps to Tally to get their way. Wh should pave Florida over in concrete and forget about the water that used to bring people to the State.

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