

Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, Florida 33901

Dear Council Member,

On behalf of the licensed Florida pest control operators who apply fertilizer as part of their professional services, Florida Pest Management Association (FPMA) would like to thank you for the opportunity to present you with information concerning the impact of fertilizer usage in urban environments throughout Florida.

FPMA proudly supports the success of the Florida Department of Environmental Protection (DEP), Florida Department of Agriculture and Consumer Services (DOACS), the Florida Department of Community Affairs (DCA), the University of Florida Institute for Food and Agricultural Sciences (IFAS), water management districts and industry stakeholders in promoting the adoption and enforcement of scientifically based practices to protect Florida's water resources by green industry professionals throughout the State.

In 2002, the organizations and agencies listed above published the Florida Green Industries Best Management Practices for the Protection of Water resources in Florida (Green Industry BMPs). In 2005, the State of Florida adopted the Lake Okeechobee & Estuary Recovery Plan (LOER). The LOER mandates the adoption of best management practices (BMPs) for urban fertilizer professionals by local governments within the Lake Okeechobee and the St. Lucie and Caloosahatchee Estuaries by the 2008. Because the LOER designates the Florida Department of Agriculture and Consumer Services (DOACS) as the lead agency in charge this task, they have recently adopted the Green Industry BMPs by rule and incorporated it by reference into Chapter 576 of the Florida Statutes.

Neither the mandate of the LOER nor the adoption of the Green Industry BMPs preempts cities and counties jurisdiction or authority to enact ordinances relating to fertilizer use. Rather, they represent an effort by the state to protect water resources in Florida and the identification of a scientifically based standard of practice which prescribes and promotes the achievement of that goal relative to green industry professionals who apply fertilizer in the urban setting.

Best Management Practices are successfully enforced by local, regional governments and state agencies throughout Florida and the nation. Once adopted, a BMP is easily enforceable by a sovereign jurisdiction, such as a city or county. Furthermore, many BMPs, including the Green Industry BMPs, have certification programs which are developed, approved by and used to certify professionals throughout the state. Proof of such certifications is then simply required to be provided to the specific government entity enforcing the specific BMP. (For example when one applies for or renews an occupational license).

Conflicting city and county fertilizer ordinances throughout Florida impose an undue hardship on Florida green industry professionals who follow the Green Industry BMPs without providing any added benefit to Florida's overall water quality. Like other route-based service professionals, green industry professionals who apply fertilizer travel within, between and among multiple adjacent, neighboring and overlapping government jurisdictions in the course of serving a single route. To expect an otherwise qualified service provider to have adequate notice of the varying jurisdictional requirements applicable to every yard he services in a single route is unreasonable. To subsequently expect that service provider to comply with each disparate requirement poses an undue hardship which is not served by any corresponding benefit that makes compliance practical.

Therefore, FPMA supports the acceptance of the Florida Green Industry BMPs and accompanying certification by county and city governments throughout Florida who are addressing the issue of fertilizer usage within the urban environment.

Thank you again for your consideration. I look forward to working with you as you continue to address the issue of fertilizer use and the protection of water resources. Please do not hesitate to contact me with any questions of concerns you may have.