Opening Summary

Charlotte County’s Fertilizer Ordinance has been in place for one year, and Extension Service has been tasked with its training and educational implementation. The department felt it was appropriate to perform a one year evaluation of the program. The department solicited input from professional commercial fertilizer applicators, citizens and governmental agencies. This was accomplished with two public forums held on; April 29, 2009 and May 27, 2009.

The summary outcome and intent of this memo is to share with the Charlotte County Board of County Commissioners the findings and recommendations offered by those attending the Fertilizer Forums, as well as provide staff’s recommendations.

The Florida Legislature 2009 action; Senate Bill 494 has implications affecting fertilizer ordinance; in summary it identifies and adopts the Fertilizer Task Force Model Ordinance as a minimum standard. It establishes Florida Department of Environmental Protection certification and training standard to be managed by the Florida Department of Agricultural and Consumer Services [FDACS], Charlotte County’s ordinance mirrors the Model Ordinance with few exceptions.

The citizen’s forum identified their support for establishing a “black-out period” during the summer rainy season [June through September] which would prohibit the application of nitrogen and phosphate containing fertilizers. Charlotte County’s ordinance does not have any seasonal or specific periods of time frame when fertilizers can not be applied. This citizen’s group also identified a need to have homeowners educated in proper fertilizer use, and require local stores sell ordinance compliant fertilizers.

The business and agency forum identified concerns regarding the differences in the various County and City ordinances, and discussed issues with ordinance interpretation and enforcement. Among key items that brought significant discussion were the need for reciprocity of Best Management Practices training between counties and municipalities, and a continued need for more availability of slow release nitrogen fertilizers. Participants also discussed the need for increasing homeowner education and compliance with the ordinances.

Charlotte County Fertilizer Ordinance

The Charlotte County Extension Service was tasked with implementing the Fertilizer Ordinance using the Green Industries Best Management Practices [BMP]. Extension provided training as required by the Fertilizer Ordinance adopted by the Board of County Commissioners on March 18, 2008.
The Ordinance was created to improve water quality by reducing the leaching and runoff of nutrients, specifically nitrogen and phosphorus, into local water bodies to minimize negative environmental effects while at the same time maintaining a healthy and sustainable landscape.

Extension, in cooperation with the Florida Department of Environmental Protection [DEP] and with assistance from Dr. Laurie Trenholm, Extension Turf Grass Specialist and Don Rainey, Sarasota County Commercial Horticulture Agent, sponsored monthly training sessions to educate Commercial Fertilizer Applicators as per the Fertilizer Ordinance, in areas regarding Turf, Irrigation, Landscape, and Pesticide BMPs.

To date, 186 individuals have completed the Training. An evaluation of the first class indicated 96% of the group of 54 participants received a passing score of 75% or higher. An end-of-program survey documented that 100% will use the recommended fertilization rates and methods of application as presented in the BMP manual.

**Evaluation of Ordinance**

In 2009, Extension hosted two meetings to review and gather input concerning fertilizer ordinances in Charlotte County and surrounding communities. The first meeting focused on commercial business applicators and was held April 29, 2009. Seventeen (17) BMP Practitioners from Lee, Charlotte, and Sarasota Counties discussed their interaction with the various ordinances. Special Guest Speaker, Dr. George Hochmuth II, joined the group via PolyCom teleconference from Gainesville and updated the group on pending State Legislation as well as the new publications on Fertilizer Ordinances. Some of the main areas of discussion included:

- BMP Trainings.
- Availability of 50% Slow Release Nitrogen Fertilizers.
- Homeowner Outreach.
- Certification Reciprocity Agreements.
- Enforcement Issues.
- Blackout Period.

**BMP Trainings**

In the three county area (Sarasota, Charlotte and Lee) BMP Trainings are routinely offered and have been well received by the Commercial audience. With the pending state legislature concerning a Florida-wide Ordinance in which all counties would have to participate, up to 150,000 more people would need to be trained.
Availability of 50% SRN

The availability of 50% Slow-Release Nitrogen fertilizer continues to be a challenge. We have approximately five stores that sell the product, but it is not readily available at the local box stores. Discussion was focused on targeting large box stores’ upper management to have their local retailers stock the appropriate material.

Homeowner Outreach

Homeowner outreach in the surrounding counties is on-going. More Civic Associations and groups have been targeted. In a county where funding was available, a public relations firm was hired to promote awareness of the Ordinance. Homeowner outreach has been somewhat difficult as there is not incentive or “bait” for these individuals to attend educational sessions. Web-based outreach is seen as a good option.

Reciprocity

Reciprocity has been an on-going question that brought the most discussion out of Sarasota County. For the record, both Charlotte County and Lee County recognize the standard DEP/UF/IFAS Green Industries Best Management Practices six-hour training course which Commercial students must obtain a 75% or greater on the post-test to pass. Sarasota County, with numerous Ordinances that are all slightly different, needed some special consideration. Don Rainey, Sarasota County Commercial Horticulture Extension Agent, came up with a matrix where the students must be given a brief review of the special BMPs prescribe locally. They do not have to sign the reciprocal agreement; they only have to read the statement and the information (special provisions) found on the back (matrix). In the near future, the City of North Port will require a short exam in order to receive the North Port Fertilizer Decal.

Enforcement

Enforcement of the Commercial segment is much easier than the homeowner side. Basically, enforcement is accomplished through a complaint-based nature and a violation would have to be witnessed by the Code Enforcement person. The department’s focus is seeking compliance through its educational element.

Blackout Period

The “Black out Period” is typically identified as the summer rainy season; June through September when use of nitrogen and phosphorus fertilizers is prohibited by some city
and county ordinances. This issue was another topic of discussion. Dr. George Hochmuth II led this discussion pertaining to the publication, “Unintended Consequences Associate with Certain Urban Fertilizer Ordinances”. Some of the topics discussed from this publication included: Turf-grass without adequate fertilizer may decline in vigor, Unhealthy turf-grass may decline resulting in more leaching, weeds, erosion and nutrient runoff, Poor fertilizer habits may develop, Leaching and runoff can occur other times of the year, Irrigation management must also be considered concerning leaching and runoff, and using reclaimed water must be carefully monitored.

Ending Comments

Recent declaration of impaired water bodies “Charlotte Harbor Basin” by FDEP heightens the importance and value of Charlotte County’s Fertilizer Ordinance and it will be identified as one of the compliance/management tools used by the County in response to FDEP pending regulations.

Staff is recommending no changes be made to the Charlotte County Fertilizer Ordinance, at this time. The ordinance is functional and adherence to its conditions helps to reduce excess nutrients from entering our harbor and estuaries. Greater restrictions may hinder acceptance by the Charlotte County community. As regulations are developed by FDEP, to address the impaired water bodies there may be a need to enhance the ordinance. Should this occur the department will advise the Board of County Commissioners.

To obtain more detailed information, please contact us:

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