

ORDINANCE NO.: 2025 - __

AN ORDINANCE AMENDING HERNANDO COUNTY CODE CHAPTER 28, ARTICLE XII, (REGULATION OF THE USE OF FERTILIZERS CONTAINING NITROGEN AND/OR PHOSPHORUS, TO IMPLEMENT REGULATIONS TO MINIMIZE THE NEGATIVE ENVIRONMENTAL EFFECTS CAUSED BY THE MISUSE OF FERTILIZERS) TO CORRECT A SCRIVENER'S ERROR IN SECTION 25-506 (DEFINITIONS); TO AMEND SECTION 28-509 (TIMING OF FERTILIZER APPLICATION); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

1. **Section 1. Hernando County Code Chapter 28, Article XII, Regulation of the Use of Fertilizers Containing Nitrogen and/or Phosphorus, to Implement Regulations to Minimize the Negative Environmental Effects Caused by the Misuse of Fertilizers,** Sections 28-506 (Definitions), and 28--508 (Timing of Fertilizer Application), are hereby amended to read as follows, with underlined matter added and struck-through matter deleted:

Sec. 28-506. Definitions.

1 [The following words, terms and phrases, when used in this article, shall have the
2 meanings ascribed to them in this section, except where the context clearly
3 indicates a different meaning:]

4 *Application* or *Apply* shall mean the physical deposit, placement, or
5 release of fertilizer upon soil, turf, or landscape plants.

6 *Applicator* shall mean any person who applies fertilizer on turf or landscape
7 plants.

8 *Best Management Practices (BMPs)* or *Green Industry Best Management*
9 *Practices (GI-BMPs)* shall mean turf and landscape practices, or combination of
10 practices based on research, field testing, and expert review, determined to be the
11 most effective and practicable on-location shall mean, including economic and
12 technological considerations, for improving water quality, conserving water
13 supplies and protecting natural resources. Best management practices for Florida
14 fertilizer application that are especially applicable to Hernando County are those
15 developed and promulgated by the UF/IFAS and the FDEP including, but not
16 limited to, the most current version of FDEP's "Florida-Friendly Best
17 Management Practices for Protection of Water Resources by the Green
18 Industries," and "Best Management Practices for the Enhancement of
19 Environmental Quality on Florida Golf Courses."

1 *Bank* shall mean, in reference to a water body, the slope immediately
2 bordering the normal expanse of water in the applicable body. The top-of-bank is
3 the top of the slope.

4 *Commercial Fertilizer Applicator* or *Commercial Fertilizer Application*
5 shall mean any person, except as provided in section 482.1562(9), Florida
6 Statutes, who applies fertilizer, or the act of applying fertilizer, for payment or
7 other consideration to property not owned by the person or firm applying the
8 fertilizer or the employer of the applicator.

9 *Compost* means a mixture of decaying organic matter, as from leaves and
10 manure, used as an amendment to improve soil structure and provide nutrients.
11 The composting process is largely the result of the activity of aerobic organisms.
12 Compost reduces the need to fertilize because nutrients are supplied in a
13 slow-release manner. Compost does not include material that has been modified
14 by the addition of inorganic fertilizers.

15 *FDEP* means the Florida Department of Environmental Protection.

16 *Fertilize, Fertilizing,* or *Fertilization* shall mean the application of
17 fertilizer.

18 *Fertilizer* shall mean any substance that contains one (1) or more
19 recognized plant nutrients and promotes plant growth, controls soil acidity or

1 alkalinity, provides other soil enrichment, or provides other corrective measures
2 to the soil.

3 *Fertilizer-Free Zone* shall mean an area a minimum of twenty-five (25)
4 feet wide adjacent to any pond, stream, river, spring, watercourse, lake, canal, or
5 wetland as measured from the top-of-bank or the face of the seawall.

6 *Golf Course* means any public or private area of land designed and used
7 exclusively for playing or practicing golf, including tees, fairways, greens, rough
8 areas, hazards and driving ranges (stand-alone ranges or those associated with a
9 golf course). *Golf Course* also includes clubhouses and all facilities that are
10 adjacent to, and associated with, the uses that are listed in the preceding sentence.
11 Golf-related structures or features on residentially zoned private land shall not
12 constitute a golf course.

13 *Heavy Rain* shall mean rainfall events that have occurred, are occurring, or
14 are forecast as likely to occur within the ensuing twenty-four (24) hours with a
15 total accumulation of two (2) inches or more for any portion of Hernando County.

16 *Institutional Applicator* shall mean any person, other than a private,
17 non-commercial, or a commercial fertilizer applicator (unless such definitions
18 also apply under the circumstances), who applies fertilizer for the purpose of
19 maintaining turf or landscape plants to areas other than individual private
20 residential properties. *Institutional Applicators* shall include, but shall not be

1 limited to, owners, managers or employees of public lands, governmental entities,
2 utilities, schools, parks and golf courses, religious institutions, hospitals,
3 community organizations, industrial or business sites and any residential areas
4 maintained in condominium or common ownership. *Institutional Applicators* that
5 are also commercial fertilizer applicators must meet the applicable requirements
6 of this article for commercial fertilizer applicators.

7 *Landscape Plant* shall mean any native or exotic tree, shrub, or
8 groundcover (excluding turf).

9 *Limited Certification for Urban Landscape Commercial Fertilizer*
10 *Application* (the “*State Certification*”) shall mean a certification issued by the
11 Florida Department of Agriculture and Consumer Services to a commercial
12 applicator that certifies successful completion of required training and testing in
13 the UF/IFAS’ Green Industry Best Management Practices (GI-BMPs), pursuant to
14 the requirements of section 482.1562, Florida Statutes.

15 *Low Maintenance Zone* shall mean an area a minimum of ten (10) feet
16 wide adjacent to water courses that is planted, preferably with native or
17 Florida-Friendly Landscaping™, and managed in order to minimize the need for
18 fertilization, pesticide application, watering, or mowing.

19 *Person* shall mean any and all persons, natural or artificial, including any
20 individual, firm, or association; any municipal or private corporation organized or

1 existing under the laws of Florida or any other state; any county of the state; and
2 any governmental agency of the state or the federal government.

3 *Prohibited Application Period* shall mean the time period during which a
4 Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane
5 Watch or Warning is in effect for any portion of Hernando County, issued by the
6 National Weather Service, or if more than two (2) inches of rain are forecasted
7 within a twenty-four-hour period.

8 *Saturated Soil* shall mean a soil in which the voids are filled with water.
9 Saturation does not require flow. For the purposes of this article, soils shall be
10 considered saturated if standing water is present or the pressure of a person
11 standing on the soil causes the release of free water.

12 *Slow- or Controlled-Release Fertilizer* shall mean nitrogen in a form that
13 delays its availability for plant uptake and use for an extended period after
14 application, or that extends its availability to the plant longer than a readily
15 available, rapid, or quick-release product, including but not limited to ammonium
16 nitrate and urea. This definition includes the terms “controlled release,” “timed
17 release,” “slowly available,” and “water insoluble.”

18 *Sports Turf* shall mean non-agricultural land planted exclusively for golf
19 courses, parks and athletic fields. ~~*Turf, Sod, or Lawn* shall mean a piece of~~
20 ~~grass-covered soil held together by the roots of the grass.~~

1 Turf, Sod, or Lawn shall mean a piece of grass-covered soil held together by the
2 roots of the grass.

3 *UF/IFAS* means the University of Florida's Institute of Food and
4 Agricultural Sciences.

5 *Urban Landscape* shall mean pervious areas on residential, commercial,
6 industrial, institutional, highway rights-of-way, or other nonagricultural lands that
7 are planted or maintained with turf or landscape plants. For the purposes of this
8 section, agriculture has the same meaning as in section 570.02, Florida Statutes.

9 *Wetlands* as defined in section § 373.019(27), Florida Statutes, as it may be
10 amended, means those areas that are inundated or saturated by surface water or
11 ground water at a frequency and a duration sufficient to support, and under
12 normal circumstances do support, a prevalence of vegetation typically adapted for
13 life in saturated soils. Soils present in wetlands generally are classified as hydric
14 or alluvial or possess characteristics that are associated with reducing soil
15 conditions. The prevalent vegetation in wetlands generally consists of facultative
16 or obligate hydrophytic macrophytes that are typically adapted to areas having
17 soil conditions described above. These species, due to morphological,
18 physiological, or reproductive adaptations, have the ability to grow, reproduce or
19 persist in aquatic environments or anaerobic soil conditions. Florida wetlands
20 generally include swamps, marshes, bayheads, bogs, cypress domes and strands,

1 sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal
2 marshes, mangrove swamps and other similar areas. Florida wetlands generally do
3 not include longleaf or slash pine flatwoods with an understory dominated by saw
4 palmetto.

5 Sec. 28-508. Timing of Fertilizer Application.

6 (a) No person or applicator shall apply fertilizer containing nitrogen or
7 phosphorus to turf or landscape plants during the prohibited application period or
8 to saturated soils.

9 (b) No person or applicator shall apply fertilizer containing nitrogen or
10 phosphorus to turf or landscape plants from ~~December~~ October 1 through March
11 ~~15~~ 31.

12 ~~(c) No person or applicator shall apply fertilizer containing nitrogen or~~
13 ~~phosphorus to turf or landscape plants from June 1 through September 30.~~

14 ~~(d)~~ (c) Fertilizer containing nitrogen shall not be applied before seeding or
15 sodding a site, and shall not be applied for the first thirty (30) days after seeding
16 or sodding, except when hydro-seeding for temporary or permanent erosion
17 control in an emergency situation (e.g., wildfire), or in accordance with the
18 Stormwater Pollution Prevention Plan for that site.

19 **Section 2. Severability.** It is declared to be the intent of the Board of County
20 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this

1 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
2 the validity of the remaining portions of this ordinance.

3 **Section 3. Inclusion in the Code.** It is the intention of the Board of County
4 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of
5 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
6 Florida. To this end, the sections of this Ordinance may be renumbered or re-lettered to
7 accomplish such intention, and that the word “ordinance” may be changed to “section,” “article,”
8 or any other appropriate designation.

9 **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
10 conflict with the provisions of this ordinance are hereby repealed.

11 **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of
12 official acknowledgment from the office of the Secretary of State of Florida that this ordinance
13 has been filed with said office.

14 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
15 **HERNANDO COUNTY** in Regular Session this _____ day of _____ 2025.

16 **BOARD OF COUNTY COMMISSIONERS**
17 **HERNANDO COUNTY, FLORIDA**
18

19
20 Attest: _____
21 DOUGLAS CHORVAT, JR.
22 Clerk and Comptroller
23

By: _____
BRIAN HAWKINS
Chairman

Approved As To Form
And Legal Sufficiency

9

By Victoria Anderson
County Attorney's Office