

**From:** [County Ordinances](#)  
**To:** [Ordinances](#); [County Ordinances](#)  
**Cc:** [Heidi Kurppe](#)  
**Subject:** RE: Hernando County Ordinance No. 2023-07 - Adopted on May 23, 2023  
**Date:** Wednesday, May 24, 2023 12:28:37 PM  
**Attachments:** [Hernando20230524\\_Ordinance2023\\_07\\_Ack.pdf](#)

---

Good afternoon,

Please find the attached acknowledgment letter for Hernando County Ordinance No. 2023-07, which was filed in this office on May 24, 2023.

Best,

County Ordinances  
Florida Administrative Code and Register  
Room 701 The Capitol | Tallahassee, Florida

---

**From:** Ordinances <ord@hernandoclerk.org>  
**Sent:** Wednesday, May 24, 2023 11:18 AM  
**To:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Cc:** Heidi Kurppe <hkurppe@hernandoclerk.org>  
**Subject:** Hernando County Ordinance No. 2023-07 - Adopted on May 23, 2023

**EMAIL RECEIVED FROM EXTERNAL SOURCE**

The attachments/links in this message have been scanned by Proofpoint.

Sender Full Name:	Heidi Kurppe
Sender Phone number:	352-754-4970
County Name:	Hernando
Ordinance Number:	2023-07

Thank You,

Heidi Kurppe  
Administrative Services | Administrative Services Supervisor  
Office of Doug Chorvat Jr., Clerk of Circuit Court and Comptroller  
Phone: (352)754-4201 | Email: [hkurppe@hernandoclerk.org](mailto:hkurppe@hernandoclerk.org)  
20 N Main Street, Brooksville, FL 34601

[Visit our Website](#) | [Facebook](#) | [Twitter](#) | [How are we doing?](#) | [Property Fraud Alert](#)

**NOTICE:**

Please note: Florida has a very broad Public Records Law. Most written communications to or from the Clerk's Office are public records available to anyone upon request. Your e-mail, including your e-mail address, may therefore, be subject to public disclosure.



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

May 24, 2023

Honorable Doug Chorvat, Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 362  
Brooksville, Florida 34601

Attention: Heidi Kurppe

Dear Honorable Doug Chorvat Jr.,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2023-07, which was filed in this office on May 24, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh

ORDINANCE NO.: 2023 -07

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; 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:

**Section 1. 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.** Hernando County Code Chapter 28, Article XII, Regulation of the Use of Fertilizers Containing Nitrogen and/or Phosphorus, is hereby amended to read as follows:

Sec. 28-505. Purpose and Intent.

This article regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; establishes a prohibited application period for fertilizer containing nitrogen or phosphorus; specifies allowable fertilizer application

1 rates and methods, fertilizer-free zones, low maintenance zones, and exemptions.

2 The article requires the use of best management practices which provide specific  
3 management guidelines to minimize negative secondary and cumulative  
4 environmental effects associated with the misuse of fertilizers. These secondary and  
5 cumulative effects have been observed primarily in and on Hernando County's  
6 springs, and also in and on Hernando County's natural and constructed stormwater  
7 conveyances, rivers, creeks, canals, lakes, estuaries and other water bodies.  
8 Collectively, these water bodies are an asset critical to the environmental,  
9 recreational, cultural and economic well-being of Hernando County residents and the  
10 health of the public. Overgrowth of algae and vegetation also hinders the  
11 effectiveness of flood attenuation provided by natural and constructed stormwater  
12 conveyances. Regulation of nutrients, including both phosphorus and nitrogen  
13 contained in fertilizer, will help improve and maintain water and habitat quality.

14 Sec. 28-506. Definitions.

15 {The following words, terms and phrases, when used in this article, shall have  
16 the meanings ascribed to them in this section, except where the context clearly  
17 indicates a different meaning:}

18 *Application or Apply* shall mean ~~the actual physical treatment of turf or~~  
19 ~~landscape plants with fertilizer for the purpose of supplying chemical components~~

1           ~~for healthy growth~~ the physical deposit, placement, or release of fertilizer upon soil,  
2           turf, or landscape plants.

3           *Applicator* shall mean any person who applies fertilizer on turf ~~and/or~~  
4           landscape plants.

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

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

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

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

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

13            *Fertilizer* shall mean any substance that contains one (1) or more recognized  
14 plant nutrients and promotes plant growth, controls soil acidity or alkalinity, provides  
15 other soil enrichment, or, provides other corrective measures to the soil.

16            *Fertilizer-Free Zone* shall mean an area a minimum of ~~ten~~ twenty-five (+025)  
17 feet wide adjacent to any pond, stream, river, spring, watercourse, lake, canal, or  
18 wetland as measured from the top-of-bank or the face of the seawall.

19            *Golf Course* means any public or private area of land designed and used  
20 exclusively for playing or practicing golf, including tees, fairways, greens, rough

1 areas, hazards and driving ranges (stand-alone ranges or those associated with a golf  
2 course). *Golf Course* also includes clubhouses and all facilities that are adjacent to,  
3 and associated with, the uses that are listed in the preceding sentence. Golf-related  
4 structures or features on residentially zoned private land shall not constitute a golf  
5 course.

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

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

10 *Institutional Applicator* shall mean any person, other than a private,  
11 non-commercial; or a commercial fertilizer applicator (unless such definitions also  
12 apply under the circumstances), who applies fertilizer for the purpose of maintaining  
13 turf ~~and~~ or landscape plants to areas other than individual private residential  
14 properties. *Institutional Applicator*s shall include, but shall not be limited to, owners,  
15 managers or employees of public lands, governmental entities, utilities, schools,  
16 parks and golf courses, religious institutions, hospitals, community organizations,  
17 industrial or business sites and any residential areas maintained in condominium  
18 ~~and~~ or common ownership. *Institutional Applicators* that are also commercial  
19 fertilizer applicators must meet the applicable requirements of this article for  
20 commercial fertilizer applicators.

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

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

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

14                    Person shall mean any and all persons, natural or artificial, including any  
15                    individual, firm, or association; any municipal or private corporation organized or  
16                    existing under the laws of Florida or any other state; any county of the state; and any  
17                    governmental agency of the state or the federal government.

18                    *Prohibited Application Period* shall mean ~~the time period during which~~  
19                    ~~application of fertilizers containing nitrogen and/or phosphorus to turf and/or~~  
20                    ~~landscape plants is prohibited~~ the time period during which a Flood Watch or



1        Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning  
2        is in effect for any portion of Hernando County, issued by the National Weather  
3        Service, or if more than two (2) inches of rain are forecasted within a  
4        twenty-four-hour period.

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

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

18                *Sports Turf* shall mean non-agricultural land planted exclusively for golf  
19        courses, parks and athletic fields.

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

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

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

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 normal  
12          circumstances do support, a prevalence of vegetation typically adapted for life in  
13          saturated soils. Soils present in wetlands generally are classified as hydric or alluvial,  
14          or possess characteristics that are associated with reducing soil conditions. The  
15          prevalent vegetation in wetlands generally consists of facultative or obligate  
16          hydrophytic macrophytes that are typically adapted to areas having soil conditions  
17          described above. These species, due to morphological, physiological, or reproductive  
18          adaptations, have the ability to grow, reproduce or persist in aquatic environments  
19          or anaerobic soil conditions. Florida wetlands generally include swamps, marshes,  
20          bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps

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

4           Sec. 28-507. Applicability.

5                     This article shall be applicable to and shall regulate any and all applicators  
6           of fertilizer and areas of application of fertilizer to urban landscapes within the  
7           unincorporated area of Hernando County, unless such applicator or application is  
8           specifically exempted by the terms of this article from the regulatory provisions of  
9           this article. This article shall be prospective only, and shall not impair any existing  
10          contracts.

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

12                     ~~(a) No applicator shall apply fertilizers containing nitrogen and/or~~  
13           ~~phosphorus to turf and/or landscape plants during any of the following prohibited~~  
14           ~~application periods: No person or applicator shall apply fertilizer containing nitrogen~~  
15           ~~or phosphorus to turf or landscape plants during the prohibited application period or~~  
16           ~~to saturated soils.~~

17                     ~~(+) During the time period when a flood watch or warning, or a~~  
18           ~~tropical storm watch or warning, or a hurricane watch or warning issued by the~~  
19           ~~National Weather Service is in effect for any portion of Hernando County, or, the~~

1 time period during which heavy rain is occurring, imminent, or forecast as likely by  
2 the National Weather Service for any portion of Hernando County.

3 (2) ~~Prior to seeding or sodding a site, and for the first thirty (30)~~  
4 ~~days after seeding or sodding, except when hydro-seeding is used to accomplish~~  
5 ~~immediate erosion control measures of a temporary or permanent nature on slopes~~  
6 ~~(e.g., highway slopes, stormwater structure slopes, wildfire slopes, etc.). Planting of~~  
7 ~~sprigs in turf is exempted from this requirement.~~

8 (b) ~~During the season of plant dormancy from January 1 through March~~  
9 ~~31, only applicators trained, certified and registered under the terms of this article~~  
10 ~~shall apply fertilizer containing nitrogen or phosphorus to turf. Only slow- or~~  
11 ~~controlled-release fertilizer shall be applied during this period of time. The applicator~~  
12 ~~shall maintain, and provide if requested, on-site verification of the slow- or~~  
13 ~~controlled-release product being used during the application~~ No person or applicator  
14 shall apply fertilizer containing nitrogen or phosphorus to turf or landscape plants  
15 from December 15 through March 15.

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

18 (d) Fertilizer containing nitrogen shall not be applied before seeding or  
19 sodding a site, and shall not be applied for the first thirty (30) days after seeding or  
20 sodding, except when hydro-seeding for temporary or permanent erosion control in

1           an emergency situation (e.g., wildfire), or in accordance with the Stormwater  
2           Pollution Prevention Plan for that site.

3           Sec. 28-509. Fertilizer-Free Zones.

4           (a)       Fertilizer shall not be applied within a minimum of ten ~~twenty-five~~  
5           ~~(+025)~~ feet of the top-of-bank of any spring, pond, stream, watercourse, river, lake,  
6           canal, or wetland as defined by the FDEP (Chapter 62-340, Florida Administrative  
7           Code) ~~or from the top of a scawall unless a deflector shield, drop spreader, or liquid~~  
8           ~~applicator with a visible and sharply defined edge, is used, in which case a minimum~~  
9           ~~of three (3) feet shall be maintained. Newly planted turf and/or landscape plants may~~  
10          ~~be fertilized in this zone once beginning thirty (30) days after planting if needed to~~  
11          ~~allow the plants to become well established. Caution shall be used to prevent direct~~  
12          ~~deposition of nutrients into the water. No mowed or cut vegetative material may be~~  
13          ~~deposited or left remaining in this zone or deposited in the water. Care should be~~  
14          ~~taken to prevent the over-spray of aquatic weed products in this zone. If more~~  
15          stringent Hernando County Code regulations apply, including those contained in  
16          Chapter 23, Article VI, Riverine Protection, and other applicable sections, this  
17          provision does not relieve the requirement to adhere to the more stringent  
18          regulations.

1           (b)    Newly planted turf or landscape plants may be fertilized in this zone  
2           once beginning thirty (30) days after planting if needed to allow the plants to become  
3           well established.

4           Sec. 28-510. Fertilizer Content and Application Rates.

5           (a)    Fertilizers applied to turf within Hernando County shall be applied in  
6           accordance with requirements and directions provided by Rule 5E-1.003(2), Florida  
7           Administrative Code, ~~labels or tags~~ Specialty Fertilizer Label Requirements for  
8           Urban Turf or Lawns, as it may be amended or renumbered from time to time, unless  
9           otherwise specified in this section.

10          (b)    Fertilizer containing nitrogen or phosphorus shall not be applied to  
11          turf or landscape plants except as provided in (a) above for turf, or in ~~University of~~  
12          ~~Florida HAS~~ the UF/IFAS's recommendations for landscape plants, vegetable  
13          gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified  
14          by an approved test.

15          Sec. 28-511. Application Practices.

16          (a)    Spreader deflector shields are required when fertilizing via rotary  
17          (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are  
18          deflected away from all impervious surfaces, fertilizer-free zones and water bodies,  
19          including wetlands.

1 (b) Fertilizer shall not be applied, spilled, or otherwise deposited on any  
2 impervious surfaces.

3 (c) Any fertilizer applied, spilled, or deposited, either intentionally or  
4 accidentally, on any impervious surface shall be immediately and completely  
5 removed to the greatest extent practicable.

6 (d) Fertilizer released on an impervious surface must be immediately  
7 contained and either legally applied to turf or any other legal site, or returned to the  
8 original or other appropriate container.

9 (e) In no case shall fertilizer be washed, swept, or blown off impervious  
10 surfaces into stormwater drains, ditches, conveyances, or water bodies.

11 (f) Fertilizer shall not be applied to saturated soils or in saturated soil  
12 conditions.

13 Sec. 28-512. Management of Vegetative Matter.

14 In no case shall grass clippings, vegetative material, ~~and~~ or vegetative debris  
15 be washed, swept, or blown off into stormwater drains, ditches, conveyances, water  
16 bodies, wetlands, sidewalks or roadways. Any material or debris that is accidentally  
17 so deposited into, or that may block, stormwater infrastructure shall be immediately  
18 removed to the maximum extent practical and consistent with this article.

19 Sec. 28-513. Exemptions.

20 The provisions set forth above in this article shall not apply to:

1           (+) (a) Bona fide farm operations as defined in the Florida Right to Farm Act,  
2           section 823.14, Florida Statutes; provided, that fertilizers are applied in accordance  
3           with the appropriate best management practices manual adopted by the Florida  
4           Department of Agriculture and Consumer Services, Office of Agricultural Water  
5           Policy for the crop in question; or,

6           (2) (b) Other properties not subject to or covered under the Florida Right to  
7           Farm Act that have pastures used for grazing livestock; provided, that fertilizers are  
8           applied in accordance with the appropriate best management practices manual  
9           adopted by the Florida Department of Agriculture and Consumer Services, Office of  
10          Agricultural Water Policy for the crop in question; or,

11          (3) (c) Any lands used for bona fide scientific research, including, but not  
12          limited to, research on the effects of fertilizer use on urban stormwater, water quality,  
13          agronomics, or horticulture; or,

14          (d) Yard waste, food compost, or mulch; or,

15          (e) Sports turf managed for active recreation, including, but not limited  
16          to, on athletic fields; provided, that fertilizers are applied in accordance with the  
17          document entitled UF/IFAS SL191 “Recommendations for N, P, K and Mg for Golf  
18          Course and Athletic Field Fertilization Based on Mehlich III Extractant,” revision:  
19          October 2013, which is hereby adopted and incorporated by reference into this



1 Article pursuant to Rule 5E-1.003(3)(b), Florida Administrative Code,” as that  
2 regulation may be amended; or,

3 (f) Vegetable gardens, defined as a plot of ground where herbs, fruits  
4 (fruit trees and shrubs), flowers, or vegetables are cultivated for human ingestion and  
5 not for commercial sale, provided they are not within fifteen (15) feet of any water  
6 body or wetland; or,

7 (g) Golf courses; provided, that:

8 (1) Fertilizers are applied by or under the direction of a  
9 professional who possesses a valid certification from the UF/IFAS’ Florida Golf  
10 Course Best Management Practices Certification Training, or its successor program;  
11 and,

12 (2) Fertilizers are applied in compliance with the “Best  
13 Management Practices for the Enhancement of Environmental Quality on Florida  
14 Golf Courses,” which is hereby adopted and incorporated by reference into this  
15 Article pursuant to Rule 5E-1.003(3)(c), Florida Administrative Code, “Labeling  
16 Requirements for Sports Turf,” as this regulation may be amended.

17 Sec. 28-514. Applicator Training.

18 (a) All commercial applicators of fertilizer within Hernando County shall  
19 abide by and successfully complete the ~~University of Florida H.A.S.~~ UF/IFAS’  
20 “Florida-Friendly Best Management Practices for Protection of Water Resources by

1 the Green Industries,” training program or an approved equivalent. Successful  
2 completion shall be evidenced by issuance of a training certificate and a ~~Limited~~  
3 ~~Certification for Urban Landscape Commercial Fertilizer Application~~ State  
4 Certification to the applicator.

5 (b) All institutional applicators of fertilizer within Hernando County shall  
6 ensure that at least one (1) employee has completed the training program specified  
7 in subsection (a) of this section and received a training certificate. The employee or  
8 employees shall complete the training for the purpose of ensuring that fertilizer  
9 application practices are planned and carried out in compliance with this article and  
10 with ~~Green Industry best management practices~~ the Florida-Friendly Best  
11 Management Practices for Protection of Water Resources by the Green Industries.

12 (c) Private, non-commercial, non-institutional applicators are encouraged  
13 to follow the recommendations of the ~~University of Florida IFAS~~ UF/IFAS to assist  
14 them in complying with the fertilizer application standards of this article. In the event  
15 of a conflict between any provision contained within this article and the UF/IFAS’  
16 Florida Yards and Neighborhoods program, the requirements of this article shall  
17 apply.

18 Sec. 28-515. Applicator Licensing and Certification.

19 (a) ~~By January 1, 2014, all commercial fertilizer applicators within~~  
20 ~~Hernando County shall have and carry in their possession at all times when applying~~

1        ~~fertilizer, a limited certification for urban landscape commercial fertilizer application~~  
2        ~~or other approved evidence of certification by the Florida Department of Agriculture~~  
3        ~~and Consumer Services as a commercial applicator per 5E-14.117(18) Florida~~  
4        ~~Administrative Code. All commercial fertilizer applicators performing fertilizer~~  
5        ~~application in Hernando County shall obtain a State Certification from the Florida~~  
6        ~~Department of Agriculture and Consumer Services pursuant to Fla. Stat. § 482.1562,~~  
7        ~~and Rule 5E-14.117(11), Florida Administrative Code, as they may be amended. A~~  
8        ~~commercial fertilizer applicator shall physically possess a copy of his or her active~~  
9        ~~State Certification at all times when he or she is applying fertilizer.~~

10        (b)    ~~By January 1, 2014, all employees or agents of institutional~~  
11        ~~applicators shall be supervised on site during the application of fertilizer by at least~~  
12        ~~one (1) institutional applicator who shall have and carry in their possession at all~~  
13        ~~times when applying fertilizer, a ~~University of Florida IFAS~~ UF/IFAS~~  
14        ~~“Florida-Friendly Best Management Practices for Protection of Water Resources by~~  
15        ~~the Green Industries” training certificate.~~

16        Sec. 28-516. Registration of Commercial Fertilizer Applicators and Institutional  
17        Applicators.

18        (a)    ~~By January 1, 2014, all commercial fertilizer applicators shall~~  
19        ~~register with Hernando County prior to performing professional landscaping in~~  
20        ~~unincorporated Hernando County. Commercial fertilizer applicators must present an~~

1 active ~~“Limited Certification for Urban Landscape Commercial Fertilizer~~  
2 ~~Application”~~ State Certification to successfully complete registration. Commercial  
3 fertilizer applicators shall renew their Hernando County registration concurrent with  
4 renewal of their ~~“Limited Certification for Urban Landscape Commercial Fertilizer~~  
5 ~~Application”~~ State Certification.

6 (b) ~~By January 1, 2014,~~ All institutional applicators of fertilizer shall  
7 register with Hernando County prior to applying fertilizer in unincorporated  
8 Hernando County. Any institutional applicators seeking to register and remain  
9 registered with the county shall have at least one (1) employee who holds an active  
10 ~~University of Florida HAS~~ UF/IFAS “Florida-Friendly Best Management Practices  
11 for Protection of Water Resources by the Green Industries” training certificate.  
12 Institutional applicators shall renew their registration every four (4) years with  
13 presentation of an updated training certificate showing the completion of continuing  
14 education units (CEUs) that meet state standards.

15 (c) Hernando County may assess initial and annual registration fees  
16 sufficient to cover the cost of administration of the registration program.

17 Sec. 28-517. Low Maintenance Zones.

18 A voluntary ten-foot maintenance zone is strongly recommended, but not  
19 mandated, from any pond, stream, water course, lake, wetland or from the top of a  
20 seawall. A swale/berm system is recommended for installation at the landward edge

1 of this low maintenance zone to capture and filter runoff. No mowed or cut  
2 vegetative material should be deposited or left remaining in this zone or deposited  
3 in the water. Care should be taken to prevent the over-spray of aquatic weed  
4 products in this zone. If more stringent Hernando County Code regulations apply,  
5 including those contained in chapter 23, article VI, riverine protection, and other  
6 applicable sections, this provision does not relieve the requirement to adhere to the  
7 more stringent regulations.

8 Sec. 28-518. Notice to Consumers.

9 Persons, firms, corporations, franchises, and commercial establishments  
10 selling fertilizers containing nitrogen or phosphorus shall prominently display, at the  
11 point of distribution, a notice to customers that the use of lawn and landscape  
12 fertilizers containing nitrogen or phosphorus within the county is restricted in  
13 accordance with this article. Signage will be provided by Hernando County and shall  
14 be displayed in a location that is clearly visible to consumers.

15 Sec. 28-5179. Violations.

16 (a) Any person applying fertilizers in violation of any stipulation or  
17 performance standard contained herein, including the best management practices and  
18 other documents incorporated herein by reference, shall be subject to the remedies  
19 and penalties as provided for in this Article.

1           (b) Each incident or separate occurrence of an act that violates this  
2           Article, or in the case of continuous violations, each day a violation occurs or  
3           continues, shall be deemed a separate offense.

4           Sec. 28-5+~~8~~20. Enforcement; Remedies; and Penalties.

5           (a) ~~Personnel of the county in the performance of their assigned duties~~  
6           ~~or functions to enforce the provisions of this article may enter upon any property~~  
7           ~~during normal work hours of the county and make examination to determine Code~~  
8           ~~compliance that do not occasion damage or injury to private property or otherwise~~  
9           ~~impair private property or personal rights. Any code enforcement officer or law~~  
10           ~~enforcement officer with jurisdiction over the unincorporated areas of Hernando~~  
11           ~~County may enforce the provisions of this Article.~~

12           (b) Remedies:

13           (1) ~~Personnel of the county in the performance of their assigned~~  
14           ~~duties or functions may issue notice to all violators of this fertilizer ordinance and~~  
15           ~~shall order that such violations cease.~~

16           (2) ~~If necessary, the governing body, or any appropriate official~~  
17           ~~of the governing body, may institute appropriate action in a court of competent~~  
18           ~~jurisdiction to enjoin any violation of the county's land development regulations~~  
19           ~~and or this zoning ordinance.~~

1                   (3)     ~~In addition, any violation hereunder may be prosecuted as~~  
2                   ~~described in Chapter 2, Article III of the Hernando County Code of Ordinances, as~~  
3                   ~~amended or renumbered from time to time.~~

4                   (c)     ~~Penalties. Any violation of the county's fertilizer ordinance may be~~  
5                   ~~prosecuted as follows:~~

6                   (1)     ~~Whenever in the county's fertilizer ordinance any act is~~  
7                   ~~prohibited, or is made or declared to be unlawful, or an offense, or whenever in such~~  
8                   ~~ordinance the doing of any act is required, or the failure to do any act is declared to~~  
9                   ~~be unlawful, then such act or failure to act shall be deemed a misdemeanor for the~~  
10                  ~~purposes of this article.~~

11                  (2)     ~~Each violation hereunder shall be deemed a separate offense~~  
12                  ~~and a separate offense shall be deemed committed on each day during or on which~~  
13                  ~~a violation occurs or continues. In assessing fines hereunder, the special master may~~  
14                  ~~consider whether the violator has been convicted of or pleaded guilty to prior~~  
15                  ~~violations of the county's fertilizer ordinance.~~

16                  (3)     ~~If any of the fines or penalties enumerated herein are~~  
17                  ~~invalidated by a court of competent jurisdiction, such invalidation shall be severable~~  
18                  ~~from the rest of the provisions in this fertilizer ordinance and such invalidity shall not~~  
19                  ~~extend to any other provision of this fertilizer ordinance including the statutory~~  
20                  ~~penalty for violation of county ordinances.~~

1                   (4) ~~If any of the fines or penalties enumerated herein are~~  
2                   ~~invalidated, then the statutory penalty for violation of county ordinances shall be~~  
3                   ~~deemed to automatically apply to any violation of this fertilizer ordinance and in any~~  
4                   ~~event the court shall have the absolute right and discretion to impose the fines or~~  
5                   ~~penalties, or both, provided for in the statutory provision for violation of county~~  
6                   ~~ordinances instead of the fines and penalties provided for herein.~~

7                   Any violation hereunder may be prosecuted as described in Hernando County  
8                   Code Chapter 2, Article III, Code Enforcement, as it may be amended. A violation  
9                   of this Article shall be considered irreparable or irreversible. Notwithstanding the  
10                   foregoing, nothing contained in this article shall be deemed to prohibit the County  
11                   from seeking enforcement by any other means provided by law, including, but not  
12                   limited to, filing an action for declaratory and injunctive relief in a court of  
13                   competent jurisdiction.

14                   **Section 2. Severability.** It is declared to be the intent of the Board of County  
15                   Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
16                   ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
17                   the validity of the remaining portions of this ordinance.

18                   **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners  
19                   of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall  
20                   become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,



1 the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and  
2 that the word "ordinance" may be changed to "section," "article," or any other appropriate  
3 designation.

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

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

9 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
10 **HERNANDO COUNTY** in Regular Session this 23<sup>rd</sup> day of May, 2023

11  
12 **BOARD OF COUNTY COMMISSIONERS**  
13 **HERNANDO COUNTY, FLORIDA**

14  
15  
16  
17 Attest: Heidi Kuppe, Deputy Clerk  
18 DOUGLAS CHORVAT, JR.  
19 Clerk and Comptroller

By: [Signature]  
20 JOHN ALLOCCO  
21 Chairman

22 Approved for Form and Legal Sufficiency

23 Jon Jouben  
24 County Attorney

