

RESOLUTION 2024-\_\_\_\_\_

**A RESOLUTION IN SUPPORT OF THE INDIAN  
RIVER COUNTY STRICT RAINY SEASON BAN  
URBAN FERTILIZER ORDINANCE**

**WHEREAS**, Nutrient pollution - excess nitrogen and phosphorous - originates from many sources, including urban stormwater;

**WHEREAS**, Nitrogen and phosphorus fertilizer applied on lawns and landscapes can leach and contribute to nutrients entering waterways through run off from yards, potentially negatively impacting the health of waterbodies;

**WHEREAS**, Nitrogen and phosphorous pollution-fueled algae blooms can produce toxins and deplete oxygen in the water, killing fish, submerged aquatic vegetation and seagrass meadows, other aquatic organisms, waterfowl, pets, and livestock;

**WHEREAS**, several critical bodies of water in Indian River County are designated by Florida's Department of Environmental Protection as impaired, including but not limited to, the Indian River Lagoon, which are of critical environmental, economic, and recreational importance to our community;

**WHEREAS**, Harmful algae blooms, fish kills, and the degradation of our natural resources has negative economic impacts on our local tourism economy and the property values and quality of life of our residents;

**WHEREAS**, the County's ordinance and education program to manage the timing, quantity, and content of fertilizers applied to urban landscapes are the most cost-effective steps taken by Indian River County to better manage stormwater and protect water quality and the quality of life of residents;

**WHEREAS**, Indian River County is one of eighteen counties and over one hundred municipalities that have adopted "strong" urban fertilizer ordinances that include strict, no exemption, rainy season application bans and a number of other protective provisions related to the content and rate of fertilizer application;

**WHEREAS**, Section 85 of Chapter 2023-240, the Implementing Bill for the General Appropriations Act for fiscal year 2023-24 provides "in order to implement Specific

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Appropriation 146 of the 2023-2024 General Appropriations Act, a county or municipal government may not adopt or amend a fertilizer management ordinance, pursuant to s. 403.9337, Florida Statutes, which provides for a prohibited application period not in existence on June 30, 2023;

**WHEREAS**, the proviso language of Specific Appropriation 146 of the 2023-24 General Appropriations Act provides in part that "\$250,000 in nonrecurring state funds shall be used by the University of Florida Institute of Food and Agricultural Sciences (IFAS) to evaluate the effectiveness of the timing of seasonal fertilizer restrictions on urban landscapes toward achieving nutrient target objectives for waterbodies statewide";

**WHEREAS**, the science behind the many strong local fertilizer ordinances is voluminous; every local government that has adopted a strong ordinance since 2007, and especially since 2009, has a public record of all of the science used to determine the viability of a strong ordinance in the respective watershed. In 2009, Florida Statute (403.9337) mandated that each ordinance stronger than the Florida Department of Environmental Protection (FDEP) Model ordinance be "science-based, and economically and technically feasible". Since that date ordinances covering 16 counties, and in most cases all of their respective municipalities, have been adopted and implemented;

**WHEREAS**, the Florida Department of Agriculture and Consumer Services (FDACS) has never challenged the legality or the science behind any of the existing ordinances. In December 2014, the Florida Department of Agriculture and Consumer Services (FDACS) updated the labeling requirements for DIY bags of turf fertilizer in the state to include the following language: "Check with your county or city government to determine if there are local regulations for fertilizer use"; and

**WHEREAS**, the fertilizer industry's response has been positive. In 2015 Scotts® announced a new summer-safe, no N-no P, turf product, an example of how many fertilizer manufacturers have embraced these ordinances and provided products that are compliant with local regulations; now, therefore, be it

**NOW, THEREFORE, BE IT RESOLVED**, that the Indian River County Commissioners reaffirms its resolute support of and steadfast commitment to, the current strong urban fertilizer ordinance that is more stringent than the state model baseline to manage

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stormwater better and help curb nutrient pollution in our waterways to protect our community's natural resources, quality of life, property values, and local tourism economy.

The Clerk will transmit a copy of this Resolution to the Governor, the President of the Florida Senate, the Speaker of the Florida House of Representatives, the respective Chairs and membership of the Senate and House Appropriations Committees, the Secretary of the Florida Department of Environmental Protection, and the Commissioner of the Florida Department of Agriculture and Consumer Services.

This Resolution shall take effect immediately upon its approval by the Indian River Board of County Commissioners.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, and, upon being put to a vote, the vote was as follows:

Chairman Susan Adams	_____
Vice Chairman Joseph E. Flescher	_____
Commissioner Joseph H. Earman	_____
Commissioner Deryl Loar	_____
Commissioner Laura Moss	_____

The Chairman thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Attest: Ryan L. Butler, Clerk of  
Court and Comptroller

INDIAN RIVER COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Susan Adams, Chairman

Approved:

Approved as to form and legal sufficiency

\_\_\_\_\_  
John A. Titkanich, Jr.  
County Administrator

\_\_\_\_\_  
William K. DeBaal  
County Attorney