

CITY OF FORT PIERCE

CONFERENCE AGENDA

Conference Agenda Meeting - Monday, February 10, 2014 - 8:30 a.m.

City Hall - 2nd Floor Conference Room, 100 North U.S. #1, Fort Pierce, Florida

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **New Business**
 - a. Proposed Ordinance for Implementing Florida-Friendly Use of Fertilizer on Urban Landscapes - City Engineer
 - b. Priorities for Legislative Delegation Presentation - Deputy City Manager
 - c. Annexation Options and Strategies - Planning Manager
 - d. FPRA Expansion Analysis - Planning Manager
5. **Next Meeting - Monday, March 10, 2014**
6. **Adjournment**

City Commission Conference Agenda

Agenda Item # 4. a.

Meeting Date: 02/10/2014

Re: Florida-Friendly Fertilizer Ordinance for Urban Landscapes

Submitted For: John Andrews, City Engineer, Engineering

SUBJECT:

Proposed Ordinance for Implementing Florida-Friendly Use of Fertilizer on Urban Landscapes - City Engineer

SUMMARY:

Discussion item on the proposed passage of an ordinance requiring the use of Florida-Friendly fertilizer. The ordinance would also address timing of fertilizer application, fertilizer free zones, low maintenance zones, application rates, training and public education.

Due to the City of Fort Pierce draining stormwater into the impaired waters of the Indian River Lagoon, the City is mandated to enact some form of fertilizer ordinance.

RECOMMENDATION:

N/A

ALTERNATIVES:

N/A

RESPONSIBLE STAFF:

Engineering Department

COORDINATED WITH:

City Manager's office

Fiscal Impact

Budgeted Y/N:

Fiscal Year:

Account:

Amount:

OTHER INFORMATION:

No fiscal impact.

Attachments

[Presentation Material](#)

[FDEP Model Ord.](#)

[SLC Fertilizer Ord.](#)

[PSL Proposed Fertilizer Ord.](#)

IMPLEMENTING FLORIDA-FRIENDLY USE OF FERTILIZER ON URBAN LANDSCAPES



Prepared By:
City of Fort Pierce
Engineering Department

Florida-Friendly Fertilizer Ordinance

Florida Statutes:

- * **403.9337 Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.—**
 - * (2) Each county and municipal government located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to s. [403.067](#), shall, at a minimum, adopt the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.

Florida-Friendly Fertilizer Ordinance

- * Comparison of FDEP “Model Ordinance” with passed ordinance by St. Lucie County and proposed ordinance by Port St. Lucie
- * **APPLICABILITY –**
 - * FDEP – The ordinance shall be applicable to and shall regulate any and all applications of fertilizer and areas of application of fertilizer within the area of the municipality unless the applicator is exempted by the regulatory provisions of the ordinance.
 - * SLC – *Same as Model*
 - * PSL – *Same as Model*

Florida-Friendly Fertilizer Ordinance

* **TIMING OF FERTILIZER APPLICATION -**

- * FDEP – No applicator shall apply fertilizer containing nitrogen and /or phosphorus to turf and/or landscape plants during the Prohibited Application Period or to saturated soils.
 - * Prohibited Application Period defined as: “means the time period during which a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of the city, issued by the National Weather Service, or if heavy rain is likely.

- * SLC – *No applicator shall apply fertilizers containing nitrogen and/or phosphorus to saturated soils. Additionally, fertilizers containing nitrogen and/or phosphorus shall not be applied to turf and/or landscape plants during any of the following prohibited application periods:*
 - * **(a) June 1 through September 30.**
 - * (b) *The time period during which the National Weather Service has issued a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning for any portion of the City.*
 - * (c) *Heavy rains are expected.*

- * PSL – *Same as St. Lucie County.*

Florida-Friendly Fertilizer Ordinance

* **FERTILIZER FREE ZONES -**

- * FDEP – Fertilizer shall not be applied within ten (10) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by FDEP, or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of 3 feet shall be maintained. ...
- * SLC – *Same as Model* – except eliminated the use of deflector shields
- * PSL – *Same as St. Lucie County.*

Florida-Friendly Fertilizer Ordinance

* **LOW MAINTENANCE ZONES -**

- * FDEP – A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water.
- * SLC – *Same as Model*
- * PSL – *Same as Model*

Florida-Friendly Fertilizer Ordinance

* **FERTILIZER CONTENT AND APPLICATION RATES -**

- * FDEP – (a) Fertilizers applied to turf within municipality shall be applied in accordance with requirements and directions provided by Rule 5E-1.003(2)
 - * (b) Fertilizers containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation, or in accordance with the Stormwater Pollution Prevention Plan for that site.
 - * (c) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (a) above for turf or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

- * SLC – *Includes all of the “Model” points, but goes into greater detail*
- * PSL – *Same as St. Lucie County.*

Florida-Friendly Fertilizer Ordinance

* APPLICATION PRACTICES -

* FDEP –

- * (a) Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. ...
- * (b) Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces
- * (c) Any fertilizer applied , spilled. Or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
- * (d) Fertilizer released on an impervious surface must be immediately contained and
- * (e) In no case shall fertilizer be washed, swept, or blown off impervious

* SLC – *Same as model*

* PSL – *Same as model*

Florida-Friendly Fertilizer Ordinance

* **MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER -**

- * FDEP – In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.
- * SLC – *Same as model – added – Grass clippings should be blown back onto the lawn areas or removed.*
- * PSL – *Same as St. Lucie County.*

Florida-Friendly Fertilizer Ordinance

* EXEMPTIONS -

- * FDEP – The provisions set forth above in this Ordinance shall not apply to:
 - * (a) bona fide farm operations as defined in the Florida Right to Farm Act....
 - * (b) other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock
 - * (c) any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

- * SLC – *Same as model*

- * PSL – *Same as model*

Florida-Friendly Fertilizer Ordinance

* **TRAINING -**

* FDEP –

- * (a) All commercial and institutional applicators of fertilizer within the municipality shall abide by and successfully complete the six-hour training program
- * (b) Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida IFAS program when applying fertilizers.

* SLC –

- * (a) *Same as model*
- * (b) *Private, non-commercial applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida IFAS Florida – Friendly Landscapes program when applying fertilizers.*

* PSL – *Same as St. Lucie County.*

Florida-Friendly Fertilizer Ordinance

* LICENSING OF COMMERCIAL APPLICATORS -

* FDEP –

- * (a) Prior to 1 January 2014, all commercial applicators of fertilizer within the municipality, shall abide by and successfully completed training and continuing education requirements in the provide proof of completion of the program to the Tax Collector's office within 180 days of the effective date of this ordinance.
- * (b) After 31 December, 2013, all commercial applicators of fertilizer within the municipality, shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the
- * (c) All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties , and multi-family and condominium properties) must ensure that at least one employee has a “Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries” training certificated prior to the business owner obtaining a Local Business Tax Certificate.

* SLC –

- * (a) *deleted*
- * (b) *Same as model*
- * (c) *Same as model*

* PSL – *Same as St. Lucie County.*

Florida Department of Environmental Protection

MODEL ORDINANCE FOR FLORIDA-FRIENDLY FERTILIZER USE ON URBAN LANDSCAPES

[alternate title: MODEL ORDINANCE FOR
FLORIDA-FRIENDLY USE OF FERTILIZER ON URBAN LANDSCAPES]
2010

[Note: Title revision for clarity. There is no defined Florida-Friendly fertilizer product, as timing, chemistry, grade, amount, site-specific conditions and application practices all affect "Florida-friendliness".]

INTRODUCTION

This attached Model Fertilizer Use Ordinance is another tool to reduce sources of nutrients coming from urban landscapes to reduce the impact of nutrients on Florida's surface and ground waters. Limiting the amount of fertilizer applied to the landscape will reduce the risk of nutrient enrichment of surface and ground waters, but effective nutrient management requires more comprehensive control measures. Such a comprehensive approach is needed that may include, but is not limited to, land planning and low-impact development, site plan design, landscape design, irrigation system design and maintenance, fertilizer application, landscape maintenance, and waste disposal. To assist local governments in improving their existing land development regulations, several "model" ordinances have been developed. These include:

- "Low Impact Design" ordinances which seek to reduce the impact of urbanization on our natural resources by stressing "source controls" that either minimize the generation of stormwater or minimize the pollutants that can get into stormwater. For example, promoting development designs that minimize clearing of natural vegetation and the compaction of urban soils. A Model Springs Protection Code was developed by DCA, DEP, and other stakeholders that includes specific Land Development Regulation recommendations that promote Low Impact Design. This Model Code is available as Chapter 5 in *Protecting Florida's Springs: An Implementation Guidebook*. It is available at <http://www.dca.state.fl.us/fdcp/DCP/springs/index.cfm>.
- "Landscape Ordinances" because design, construction, and maintenance are major determinants in the amount of fertilizer and irrigation that is needed to maintain healthy urban landscapes and minimize adverse impacts on water resources. A model Landscape Ordinance entitled "Guidelines for Model Ordinance Language for Protection of Water Quality and Quantity Using Florida-friendly Lawns and Landscapes" was developed by a group of agencies, industries, and interest groups over a two year period and published in 2003. It was fundamentally an adaptation of earlier water conservation ordinances revised to include water quality protections for compliance with Total Maximum Daily Load (TMDL) or stormwater NPDES permit requirements. The language focused on continuing education of lawn care and landscape professionals, proper planning and supervision during development and construction, and the use of best management practices, including the Florida-Friendly Landscape Program. This model ordinance has been renamed "Florida-

Friendly Landscaping™ Model Guidelines for Ordinance Language for Protection of Water Quality and Quantity,” updated in 2008 and 2010 and may be downloaded from:

<http://www.dep.state.fl.us/water/nonpoint/pubs.htm>.

- Finally, the 2004 Florida Legislature directed Florida’s water management districts to work with interested parties to develop landscape irrigation and Florida-Friendly design standards for new construction (section 373.228, F.S.). Local governments are to use the standards and guidelines when developing landscape irrigation and Florida-Friendly ordinances. The Committee on Landscape Irrigation and Florida-Friendly Design Standards convened and developed the standards. They are published in a booklet called *Landscape Irrigation and Florida-friendly Design Standards (December 2006)*. The 2009 Legislature has directed that it be revised in 2011. The current version of this document can be downloaded from:
http://www.dep.state.fl.us/water/waterpolicy/land_irr.htm

**MODEL ORDINANCE FOR
FLORIDA-FRIENDLY USE OF FERTILIZER ON URBAN LANDSCAPES
(AUGUST 2010)**

1. FINDINGS

As a result of impairment to (MUNICIPALITY / COUNTY)'S surface waters caused by excessive nutrients, or, as a result of increasing levels of nitrogen in the surface and/or ground water within the aquifers or springs within the boundaries of (municipality/county), the governing body of (municipality / county) has determined that the use of fertilizers on lands within (municipality / county) creates a risk to contributing to adverse effects on surface and/or ground water. Accordingly, the governing board of (municipality/county) finds that management measures [*Guidance: optional "additional management measures than are otherwise"*] contained in the most recent edition of the "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008," may be required by this ordinance.

2. PURPOSE AND INTENT

This Ordinance 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; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. The Ordinance requires the use of Best Management Practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on (MUNICIPALITY / COUNTY)'s natural and constructed stormwater conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. [*Guidance: as appropriate*] Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of (MUNICIPALITY / COUNTY) residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

3. DEFINITIONS

For this Article, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

"Administrator" means the (MUNICIPALITY / COUNTY) Administrator, or an administrative official of (MUNICIPALITY / COUNTY) government designated by the City/County Administrator to administer and enforce the provisions of this Article.

"Application" or "Apply" means the actual physical deposit of fertilizer to turf or landscape plants.

“Applicator” means any Person who applies fertilizer on turf and/or landscape plants in (MUNICIPALITY / COUNTY).

“Board or Governing Board” means the Board of City/County Commissioners of (MUNICIPALITY / COUNTY), Florida.

“Best Management Practices” means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

“Code Enforcement Officer, Official, or Inspector” means any designated employee or agent of (MUNICIPALITY / COUNTY) whose duty it is to enforce codes and ordinances enacted by (MUNICIPALITY / COUNTY).

“Commercial Fertilizer Applicator”, except as provided in 482.1562(9) F.S., means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

“Fertilize,” “Fertilizing,” or “Fertilization” means the act of applying fertilizer to turf, specialized turf, or landscape plants.

“Fertilizer” means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

“Guaranteed Analysis” means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

“Institutional Applicator” means any person, other than a private, non-commercial or a Commercial Applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional Applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

“Landscape Plant” means any native or exotic tree, shrub, or groundcover (excluding turf).

“Low Maintenance Zone” means an area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

“Person” means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

“Prohibited Application Period” means the time period during which a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of (CITY/COUNTY), issued by the National Weather Service, or if heavy rain¹ is likely.

“(MUNICIPALITY / COUNTY) Approved Best Management Practices Training Program” means a training program approved per 403.9338 F.S., or any more stringent requirements set forth in this Article that includes the most current version of the Florida Department of Environmental Protection’s “*Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008*,” as revised, and approved by the (MUNICIPALITY / COUNTY) Administrator.

"Saturated soil" means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this ordinance, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water. [*Guidance: Some have questioned the enforceability of practical field definitions which should be considered before adoption.*]

“Slow Release,” “Controlled Release,” “Timed Release,” “Slowly Available,” or “Water Insoluble Nitrogen” means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

“Turf,” “Sod,” or “Lawn” means a piece of grass-covered soil held together by the roots of the grass.

"Urban landscape" means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as in s. 570.02.

4. APPLICABILITY

This Ordinance shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the area of (MUNICIPALITY / COUNTY), unless such applicator is specifically exempted by the terms of this Ordinance from the regulatory provisions of this Ordinance. This Ordinance shall be prospective only, and shall not impair any existing contracts.

[*Guidance: In 403.9336, the Legislature further finds that local conditions, including variations in the types and quality of water bodies, site-specific soils and geology, and urban or rural densities and*

¹ World Meteorological Organization definition of heavy rain: Rainfall greater than or equal to 50 mm (2 inches) in a 24 hour period. <http://severe.worldweather.org/rain/>, and forecast keyword “likely”, http://www.wrh.noaa.gov/sew/MediaGuide/TermsOutlooks_Watches_Warnings.pdf.

characteristics, may necessitate the implementation of additional or more stringent fertilizer management practices at the local government level. Local government may adopt additional or more stringent provisions to the model ordinance as provided in 403.9337(2). However, the local government should consider the disadvantages of confusing jurisdictional differences and should clearly demonstrate they meet the required criteria:

(2) Each county and municipal government located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to s. 403.067, shall, at a minimum, adopt the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. A local government may adopt additional or more stringent standards than the model ordinance if the following criteria are met:

- (a) The local government has demonstrated, as part of a comprehensive program to address nonpoint sources of nutrient pollution which is science based, and economically and technically feasible, that additional or more stringent standards than the model ordinance are necessary in order to adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body.
- (b) The local government documents that it has considered all relevant scientific information, including input from the department, the institute, the Department of Agriculture and Consumer Services, and the University of Florida Institute of Food and Agricultural Sciences, if provided, on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation. All documentation must become part of the public record before adoption of the additional or more stringent criteria.]

[**Guidance:** Florida Statutes 125.568(3), 166.048(3), 373.185(3), 720.3075(4), and others provide that a local ordinance, deed restriction or covenant may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land or create any requirement or limitation in conflict with any provision of part II of this chapter {373} or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to Chapter 373 part II.]

[**Guidance:** Florida Statutes 482.156 and 482.1562. Neither the Limited Commercial Landscape Maintenance Certification Program nor the Limited Certification for Urban Landscape Commercial Fertilizer Application allows landscape maintenance workers to make any kind of pesticide applications (including weed control and/or weed and feed products) to any turf areas.]

[**Guidance:** Florida Statutes 482.242, and 487.051 (2), F.S. Regulation of pest control businesses and applicators, and of pesticide use, is preempted to the Florida Department of Agriculture and Consumer Services (FDACS and suspected pesticide misuse should be reported to FDACS.

5. TIMING OF FERTILIZER APPLICATION

No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Prohibited Application Period, or to saturated soils.

[**Guidance:** One of the most controversial issues associated with recent fertilizer ordinances enacted by local governments is the definition of the Prohibited Application Period. Some ordinances have prohibited the application of fertilizer, even slow release formulations, during the summer rainy season, typically June 1 to September 30. The reasoning is that rain occurs frequently, saturating the soil, leading to more runoff. Saturated soils are prone to runoff or leaching with little or no additional water, and pose a higher than normal risk until soil moisture capacity is restored. Fertilizer management is largely about keeping the

nitrogen and/or phosphorus in the root zone where it can be used by plants. Periods of heavy rainfall contribute to leaching, which is washing nutrients out of the root zone, and to runoff, especially in areas with compacted or bare soils and significant slope. Vegetative ground cover is important to minimizing erosion, filtering particulates, and incorporating or promoting the biological transformation of potential pollutants. Many variables influence the relationship between fertilizer rates, vegetation health and nutrient enrichment of surface and ground waters. Accordingly, sound science and carefully reasoned judgment are recommended in determining how to define the Prohibited Application Period.]

6. FERTILIZER FREE ZONES

Fertilizer shall not be applied within ten (10) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of 3 feet shall be maintained. If more stringent (MUNICIPALITY / COUNTY) Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted turf and/or landscape plants may be fertilized in this Zone only for a sixty (60) day period beginning 30 days after planting if need to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water. [**Guidance:** *This zone is a setback to prevent the applicator from inadvertently depositing fertilizer in the water while performing the application. It is not designed as a treatment buffer, and is to be adhered to as a fundamental environmental safety aspect of the applicator's job, regardless of the owner's desires. Some communities have existing residential setbacks of as little as 10 feet from water or seawall. Low maintenance zones, vegetated filter strips, and riparian buffers are strongly encouraged, but such activities are rightly a part of land use planning. Local governments are encouraged to implement these low-impact development practices where feasible.*]

7. LOW MAINTENANCE ZONES

A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent (MUNICIPALITY / COUNTY) Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone. [**Guidance:** *Care must be taken to ensure erosion of the surface soil does not occur. Excessive erosion may be a greater pollution hazard than occasional proper applications of fertilizer.*]

8. FERTILIZER CONTENT AND APPLICATION RATES

[**Guidance:** *RULE 5E-1.003(2)(d), F.A.C contains the following provisions for golf courses, parks and athletic fields. As such, no additional specific requirements are included for these types of urban turf. The appropriate Best Management Practices listed below must be followed on such sites for nutrient management activities:*

(d) *Fertilizers labeled for sports turf at golf courses, parks and athletic fields shall:*

1. Have directions for use not to exceed rates recommended in the document titled SL191 "Recommendations for N, P, K and Mg for Golf Course and Athletic Field Fertilization Based on Mehlich I Extractant", dated March 2007, which is hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Soil and Water Science Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL 32611 or the following website: <http://edis.ifas.ufl.edu/SS404>.

2. Have directions for use in accordance with the recommendations in "BMP's for the Enhancement of Environmental Quality on Florida Golf Courses", published by the Florida Department of Environmental Protection, dated January 2007. Copies may be downloaded from <http://www.dep.state.fl.us/water/nonpoint/pubs.htm>.

Note that this does not exempt applicators at these sites from the required basic Green Industry BMP training. Information on this is located at http://fyn.ifas.ufl.edu/professionals/BMP_overview.htm. If other provisions of the ordinance are not appropriate for these sites, such exceptions should be noted.]

(a) Fertilizers applied to turf within (MUNICIPALITY / COUNTY) shall be ~~formulated and~~ applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, *Labeling Requirements For Urban Turf Fertilizers*.

(b) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention Plan for that site.

(c) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test. [**Guidance:** Soil and tissue tests for phosphorus are normally done by UF/IFAS or another accredited laboratory. IFAS recommendations are available from the County Extension service or http://solutionsforyourlife.ufl.edu/lawn_and_garden/]

9. APPLICATION PRACTICES

- a. Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
- b. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.
- c. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
- d. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
- e. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

10. MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed,

swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

11. EXEMPTIONS

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

(a) bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14 Florida Statutes;

(b) other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock;

(c) any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

[Guidance: Limited waivers for special cases such as botanical gardens, etc. should not be considered as less stringent for the purposes of the model as a minimum requirement.]

12. TRAINING

(a) All commercial and institutional applicators of fertilizer within the (un)incorporated area of (MUNICIPALITY / COUNTY), shall abide by and successfully complete the six-hour training program in the “*Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries*” offered by the Florida Department of Environmental Protection through the University of Florida Extension “Florida-Friendly Landscapes” program, or an approved equivalent.

(b) Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida IFAS *Florida Yards and Neighborhoods* program when applying fertilizers.

[Guidance: A local government may establish a certification/education program for the institutional or private application of fertilizers indicating the completion of an education program for special local requirements not covered in the above programs. It is up to the local government to set a continuing education or renewal provision for these applicators. Persons with statewide FDACS commercial fertilizer certification cannot be required to submit to additional local testing after obtaining the FDACS certificate.]

13. LICENSING OF COMMERCIAL APPLICATORS

(a) Prior to 1 January 2014, all commercial applicators of fertilizer within the (un)incorporated area of (MUNICIPALITY / COUNTY), shall abide by and successfully complete training and continuing education requirements in the “*Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries*”, offered by the Florida Department of Environmental Protection through the University of Florida IFAS “Florida-friendly Landscapes” program, or an approved equivalent program, prior to obtaining a

(MUNICIPALITY / COUNTY) Local Business Tax Certificate for any category of occupation which may apply any fertilizer to turf and/or landscape plants. Commercial Fertilizer Applicators shall provide proof of completion of the program to the (MUNICIPALITY / COUNTY) Tax Collector's office within 180 days of the effective date of this ordinance. [**Guidance:** *The ordinance is prospective only. Occasions may exist for a finite time where pre-existing contract terms mandate practices not in accordance with the BMPs. Such terms should be voided at contract expiration.*]

(b) After 31 December, 2013, all commercial applicators of fertilizer within the (un)incorporated area of (MUNICIPALITY / COUNTY), shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per 5E-14.117(18) F.A.C.

(c) All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has a "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Local Business Tax Certificate. Owners for any category of occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide proof of completion of the program to the (Municipality/ County) Tax Collector's Office. [**Guidance:** *This is an example of an administrative enforcement mechanism. It may be modified to use other local mechanisms as appropriate.*]

14. ENFORCEMENT

[**Guidance:** *Local governments should consider making penalties consistent with their other fines and penalties.*]

Funds generated by penalties imposed under this section shall be used by (Municipality/ County) for the administration and enforcement of section 403.9337, Florida Statutes, and the corresponding sections of this ordinance, and to further water conservation and nonpoint pollution prevention activities.

ORDINANCE NO. 2014-3

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS FOR ST. LUCIE COUNTY, FLORIDA, AMENDING CHAPTER 1-7.6, "ENVIRONMENTAL PROTECTION", OF THE ST. LUCIE COUNTY CODE AND COMPILED LAWS ESTABLISHING REGULATIONS FOR PROPER USE OF FERTILIZERS IN THE UNINCORPORATED AREA OF ST. LUCIE COUNTY; AMENDING ARTICLE IV, "FLORIDA-FRIENDLY FERTILIZER USE"; AMENDING SECTION 1-7.6-45, "DEFINITIONS" TO ADD DEFINITIONS AND TO DELETE THE DEFINITION OF "PROHIBITED APPLICATION PERIOD"; AMENDING SECTION 1-7.6-47 "TIMING OF FERTILIZER APPLICATION" PROHIBITING APPLICATION OF CERTAIN FERTILIZERS FROM JUNE 1 THROUGH SEPTEMBER 30 DURING CERTAIN WEATHER EVENTS OR WHEN HEAVY RAINS ARE EXPECTED; AMENDING SECTION 1-7.6-48 "FERTILIZER FREE ZONES" TO DELETE THE PROVISION ALLOWING A 3 FOOT SETBACK WHEN A DEFLECTOR SHIELD IS USED; AMENDING SECTION 1-7.6-50 "FERTILIZER CONTENT AND APPLICATION RATES" TO PROVIDE THAT NO FERTILIZER CONTAINING PHOSPHOROUS SHALL BE APPLIED TO TURF OR LANDSCAPE PLANTS IN UNINCORPORATED ST. LUCIE COUNTY UNLESS A SOIL OR PLAN TISSUE DEFICIENCY IS VERIFIED BY AN APPROVED TESTING METHODOLOGY; FURTHER AMENDING SECTION 1-7.6-50 TO PROVIDE THAT THE NITROGEN CONTENT OF FERTILIZER APPLIED TO TURF OR LANDSCAPE PLANTS SHALL CONTAIN AT LEAST 50% SLOW RELEASE NITROGEN PER GUARANTEED ANALYSIS LABEL; AMENDING SECTION 1-7.6-52 "MANAGEMENT OF GRASS CLIPPINGS AND VEGATATIVE MATTER" TO PROVIDE THAT GRASS CLIPPINGS BE BLOWN ON THE LAWN OR REMOVED; AMENDING SECTION 1-7.6-53 TO CREATE "GENERAL EXEMPTIONS"; CREATING SECTION 1-7.6-54 "SPECIFIC EXEMPTIONS"; CREATING SECTION 1-7.6-55 "SOIL TEST INFORMATION"; AMENDING SECTION 1-7.6-57 "LICENSING OF COMMERCIAL APPLICATORS" TO DELETE NONAPPLICABLE PROVISIONS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ADOPTION; PROVIDING FOR CODIFICATION

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WHEREAS, pursuant to Section 403.9337, Florida Statutes, each county and municipal government located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to Section 403.067, F.S. shall, at a minimum, adopt the Florida Department of Environmental Protection's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.

WHEREAS, the Florida Department of Environmental Protection has identified specific water bodies in St. Lucie County as "impaired" as a result of excess nutrients under the Florida Impaired Waters Rule, Chapter 62-303, Florida Administrative Code.

WHEREAS, surface water runoff containing excess nutrients leaves residential neighborhoods, farms, commercial centers, industrial areas and other lands of St. Lucie County with low permeability soils.

WHEREAS, base-flow runoff containing excess nutrients flows from residential neighborhoods, farms, commercial centers, industrial areas, and other lands of St. Lucie County with high permeability soils.

WHEREAS, surface water and baseflow runoff containing excess nutrients enters into natural and artificial stormwater and drainage conveyances and natural water bodies in St. Lucie County.

WHEREAS, the detrimental effects of nutrient-laden runoff are magnified in a coastal community such as St. Lucie County, due to the proximity of stormwater and drainage conveyances to coastal waters.

WHEREAS, nutrient-laden runoff fosters plant and algae growth.

WHEREAS, the quality of our rivers, estuaries, streams, lakes and the offshore waters of the Atlantic Ocean is critical to environmental, economic and recreational prosperity and to the health, safety and welfare of the citizens of St. Lucie County.

WHEREAS, recent algae blooms have heightened community concerns about water quality and eutrophication of surrounding waters.

WHEREAS, leaching and runoff of nutrients from improper landscaping or excess fertilization practices upstream of as well as within St. Lucie County can contribute to nitrogen and phosphorus pollution in the County's stormwater and drainage conveyances and natural water bodies.

WHEREAS, nitrogen and phosphorus pollution in the County's stormwater and drainage conveyances and natural water bodies leads to the overgrowth of vegetation in these waterways.

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WHEREAS, St. Lucie County's natural and artificial stormwater and drainage conveyances regulate the flow of stormwater to prevent flooding.

WHEREAS, the overgrowth of vegetation in stormwater and drainage conveyances hinders the goal of flood prevention.

WHEREAS, it is generally recognized that many Florida soils are naturally high in phosphorus, much of which is in a form that must be modified for absorption by plant materials.

WHEREAS, it has been recognized by soil science professionals that the use of slow release nitrogen sources minimizes harmful nitrate leaching.

WHEREAS, the Florida Department of Environmental Protection has mandated total maximum daily loads for "impaired" water bodies in St. Lucie County.

WHEREAS, this ordinance is part of a multi-pronged effort by St. Lucie County to meet these total maximum daily loads and reduce nutrient loading into runoff through such policies as, but not limited to, stormwater management, water conservation, management of septic systems, public education, and development standards as set forth in the St. Lucie County Land Development Code.

WHEREAS, the Board previously adopted the Model Ordinance (Ordinance 11-001A) on March 1, 2011; and

WHEREAS, the Board has considered comments received from the following persons/agencies:

- October 31, 2013 letter from Beth Alvi, Administrator, Water Quality Restoration Program, State of Florida Department of Environmental Protection
- November 12, 2013 letter from Weldon Collier, Program Planning Coordinator, State of Florida Division of Agricultural Environmental Services
- November 6, 2013 email from Dr. Laurie Trenholm from the University of Florida
- November 19, 2013 email from David Botto, Chairman Fisheries Campaign, Marine Resources Council, which included the following information:
 - Cape Coral North Spreader Canal Ecosystem Management Agreement "Background Information in Support of Proposed Local Fertilizer Ordinance (Revised February 10, 2010).

- Environmental Protection Commission of Hillsborough County
"Technical Support Document for Proposed Local Fertilizer Rule
– Chapter 1-15" (May 7, 2010); and
- Analytical Results of Nutrients and Chlorophyll Relative to the 2008 Fertilizer Ordinance in Lee County by Jim Ryan and Ernesto Lasso de la Vega – Lee County Hyacinth Control District (Revised 05-25-12).
- Florida Consumer Fertilizer Task Force "Final Report" to the 2008 Florida Legislature (January 15, 2008)
- Phosphorus Urban Runoff & Aquatic Weeds Responsible Industry for a Sound Environment
- Comparing Nitrogen Runoff and Leaching between Newly Established St. Augustine Grass Turf and an Alternative Residential Landscape (J.E. Erickson, et. al., December 15, 2000)
- Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries – State of Florida Department of Environmental Protection (Revised December 2008)
- Scientific literature review, discussion, public comments and consideration for the proposed Lee County Landscape and Fertilizer Best Management Practices Ordinance, Lee County, Division of Natural Resources (rev. October 31, 2007) with Corrections to Cited Literature (December 5, 2007)
- Indian River Lagoon Comprehensive Conservation and Management Plan Update 2008
- FAU Harbor Branch Indian River Lagoon LOBOs: A Primer M. Dennis Hanisak, FAU Harbor Branch (October 2013)
- Guest Column: Fertilizer and our waters written by Dr. Leesa Souto, Executive Director of the Marine Resources Council (November 22, 2013)
- Science to Support Fertilizer Controls written by Dr. Leesa Souto (December 2013)

WHEREAS, the Indian River Lagoon is a diverse, shallow-water estuary stretching across 40 percent of Florida's east coast; and

WHEREAS, the Lagoon is an important commercial and recreational fishery and economic resource to the state and region. The total estimated annual economic value of the lagoon is \$3.7 billion, supporting 15,000 full and part-time jobs and providing recreational opportunities for 11 million people per year; and

WHEREAS, the St. Lucie River and Estuary is an ecological jewel on Florida's Treasure Coast that is integral to the environmental and economic well-being of Martin and St. Lucie Counties. The St. Lucie River is part of the larger Indian River Lagoon system, the most diverse estuarine environment in North America with

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more than 4,000 plant and animal species, including manatees, oysters, dolphins, sea turtles and seahorses; and

WHEREAS, runoff is causing a public health threat as microcystis aeruginosa, a single-celled blue green alga, or cyanobacterium, has proliferated in the Lagoon to form dense blooms, which produce multiple toxins, including liver toxins, as well as, neurotoxins; and

WHEREAS, 47,000 acres of sea grass have been killed to date in the Indian River Lagoon since 2010, which far exceeds any documented or remembered events in terms of geographic scale, bloom intensity and duration. It is alarming because sea grass is an indicator of the lagoon's health, a food source for manatees and a nursery, refuge and a place of forage for a variety of fish and other marine life; and

WHEREAS, 280 Manatees, 60 Bottlenose Dolphins and 250 Brown Pelicans have died in the Indian River since 2010; and

WHEREAS, based on the above findings, the Board believes it is necessary to adopt additional regulations to protect and enhance the water quality of the St. Lucie River and the Indian River Lagoon. The Board has determined that the additional regulations are science based and are economically and technically feasible.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. The specific amendments to the St. Lucie County Code and Compiled Laws are as follows:

ARTICLE IV. FLORIDA-FRIENDLY FERTILIZER USE

1-7.6-45 DEFINITIONS

For this Article, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise:

1. "Administrator" means the County Administrator or an administrative official of St. Lucie County designated by the County Administrator to administer and enforce the provisions of this Article.
2. "Application" or "Apply" means the actual physical deposit of fertilizer to turf or landscape plants.
3. "Applicator" means any Person who applies fertilizer on turf and/or landscape plants in the unincorporated areas of St. Lucie County.

4. "Board or Governing Board" means the Board of County Commissioners of St. Lucie County, Florida.
5. "Best Management Practices" (BMPs) means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.
6. "Code Enforcement Officer, Official, or Inspector" means any designated employee or agent of St. Lucie County whose duty it is to enforce codes and ordinances enacted by St. Lucie County.
7. "Commercial Applicator Business" means any person, sole proprietor, partnership, corporation, business trust, joint venture, or other legal entity that engages in the business of providing lawn fertilizer application in exchange for money, goods, services or other valuable consideration.
8. "Commercial Fertilizer Applicator," except as provided in Section 482.1592(9), Florida Statutes, means any Person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.
9. "Damaged Turf or Landscape Plants" means turf or landscape plants that have been deleteriously affected by environmental or biotic stress. Environmental stresses are a result of prolonged exposure to shade, drought, nutrient deficiency, the effects of vehicle and foot traffic, salinity and occasional cold temperatures. Biotic stresses result from living organisms such as insects, diseases or nematodes.
10. "Fertilize," "Fertilizing," or "Fertilization" means the act of applying fertilizer to turf, specialized turf, or landscape plants.
11. "Fertilizer" means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.
12. "Guaranteed Analysis" means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.
13. "Heavy Rain" means rainfall greater than or equal to 50 mm (2 inches) in a 24 hour period.
14. "Impervious surfaces" means a constructed surface such as sidewalks, roads, parking lots or driveways covered by water impenetrable materials such as asphalt, concrete, brick, pavers, stone and/or highly compacted soils.
15. "Institutional Applicator" means any Person, other than a private, non-commercial or a Commercial Applicator (unless such definitions also apply

under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional Applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

16. "Landscape Plant" means any native or exotic tree, shrub, or groundcover (excluding turf).
17. "Lawn Care and Maintenance or Landscaping" shall include, but not be limited to mowing, trimming, pruning, edging, liming, fertilizing, mulching, seeding and aerating of turf and/or landscaping plants.
18. "Low Maintenance Zone" means an area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.
19. "Non-Commercial Applicator" means any person other than a Commercial or Institutional Applicator who performs lawn care and maintenance on Turf and/or Landscape Plants in St. Lucie County, such as an individual owner or tenant of a single-family residential unit.
20. "Person" means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.
- ~~21. "Prohibited Application Period" means the time period during which a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of St. Lucie County, issued by the National Weather Service, or if heavy rain is likely.~~
- ~~22.~~21. "St. Lucie County Approved Best Management Practices Training Program" means a training program approved per Section 403.9338, Florida Statutes, and any more stringent requirements as set forth in this Article that includes the most current version of the Florida Department of Environmental Protection's "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries," as revised and approved by the St. Lucie County Administrator.
- ~~23.~~22. "Saturated soil" means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this ordinance, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.
- ~~24.~~23. "Slow Release," "Controlled Release," "Timed Release," "Slowly Available," or "Water Insoluble Nitrogen" means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

~~25-24.~~ "Specialized Turf" means areas of grass used for athletic fields, activity fields, parks, golf course practice and play areas, cemeteries and other similar areas.

~~26-25.~~ "Specialized Turf Manager" means a person responsible for fertilizer or directing the fertilization of "specialized turf" as defined above.

~~27-26.~~ "Turf," "Sod," or "Lawn" means a piece of grass-covered soil held together by the roots of the grass.

~~28-27.~~ "Urban Landscape" means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For purposes of this section, agriculture has the same meaning as in Section 570.02, Florida Statutes.

~~29-28.~~ "Water Body or Water Bodies" means any visible, standing or open body of water. This shall include, but not be limited to: municipal or private storm sewer systems (including inlets, conveyances and structures), ditches, swales, canals, creeks, rivers, streams, tidal waters, lakes, ponds, ponded water, standing water, marshes, swamps or any other body of permanent or temporary standing or visible water whether or not the water body is natural or man-made or contained by impervious surfaces on the bottom or sides and all wetlands and other surface waters as defined by Chapter 62-348, F.A.C.

1-7.6-46 APPLICABILITY

This Section shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the unincorporated area of St. Lucie County, unless such applicator is specifically exempted by the terms of this Section from the regulatory provisions of this Section. This regulation shall be prospective only and shall not impair contracts already in existence as of the effective date of this Section.

1-7.6-47 TIMING OF FERTILIZER APPLICATION

No applicator shall apply fertilizers containing nitrogen and/or phosphorus to ~~turf and/or landscape plants during the Prohibited Application Period or to saturated soils.~~ Additionally, fertilizers containing nitrogen and/or phosphorus shall not be applied to turf and/or landscape plants during any of the following prohibited application periods:

1. June 1 through September 30.

2. The time period during which the National Weather Service has issued a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning for any portion of St. Lucie County.
3. Heavy rains are expected.

1-7.6-48 FERTILIZER FREE ZONES

Fertilizer shall not be applied within ten (10) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) ~~or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of three (3) feet shall be maintained.~~ If more stringent St. Lucie County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted turf and/or landscape plants may be fertilized in this Zone only for a sixty (60) day period beginning thirty (30) days after planting if needed to allow the plants to become well-established. Caution shall be used to prevent direct deposition of nutrients into the water.

1-7.6-49 LOW MAINTENANCE ZONES

A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent St. Lucie County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

1-7.6-50 FERTILIZER CONTENT AND APPLICATION RATES

- (a) No fertilizer containing phosphorus shall be applied to turf or landscape plants in unincorporated St. Lucie County unless a soil or plant tissue deficiency is verified by a University of Florida, Institute of Food and Agriculture Sciences, approved testing methodology. In the case that a deficiency has been verified, the application of a fertilizer containing phosphorous shall be in accordance with the rates and directions for the Southern Region of Florida as provided by Rule 5E-1.003, Florida Administrative Code. Deficiency verification shall be no more than 2 years old. However, recent application of compost, manure, or top soil shall

warrant more recent testing to verify current deficiencies. For purposes of clarification a "very low" designation for phosphorus set forth in the UFIFAS Extension Soil Testing Laboratory Analytical Procedures Training Manual shall mean phosphorus levels below ten (10) parts per million. A "low" designation for phosphorus shall mean phosphorus levels below twenty-five (25) parts per million.

~~(b)(a)~~ Unless otherwise specified in this ordinance, Fertilizers applied to turf and/or landscape plants within unincorporated St. Lucie County shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers.

~~(c)(b)~~ Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention Plan for that site.

~~(c) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.~~

~~(d)~~ Fertilizers applied to golf courses, parks and athletic fields must follow the appropriate Best Management Practices set forth in Rule 5E-1.003(2)(d), Florida Administrative Code. Fertilizers containing nitrogen or phosphorus shall be applied to Turf and/or Landscape Plants at the lowest amount of rate necessary to correct or prevent nutrient deficiencies without exceeding the maximum per application rate specified on the label in accordance with Florida Department of Agriculture and Consumer Services Rules (5E-1.003, F.A.C.). All Commercial and Institutional Applicators shall be responsible for maintaining a record of the pounds of nitrogen and phosphorous expressed as pounds per 1000 feet of land applied to each site during the year.

~~(e)~~ While single fertilizer applications in the fall and spring will often suffice, fertilizers shall not be applied more than the Fertilization Guidelines for the Southern Region of Florida under the Florida Department of Agriculture and Consumer Services Rule (5E-1.003 F.A.C.) during any one (1) calendar year to a single area.

~~(f)~~ Fertilizers containing nitrogen applied to turf and/or landscaping plants within St. Lucie County shall contain no less than 50 percent Slow Release Nitrogen per Guaranteed Analysis Label.

1-7.6-51 APPLICATION PRACTICES

- (a) Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
- (b) Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surface.
- (c) Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
- (d) Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
- (e) In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

1-7.6-52 MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent possible. Grass clippings should be blown back onto the lawn areas or removed.

1-7.6-53 GENERAL EXEMPTIONS

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

- (a) Bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes;
- (b) Other properties not subject to or covered under the Florida Right to Farm Act that have Pastures used for grazing livestock.
- (c) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

1-7.6-54 **SPECIFIC EXEMPTIONS**

A. The timing of applications, application rate provisions and other provisions set forth above in Sections 1-7.6-47 through 1-7.6-52 of this Article shall not apply to:

- (1) Yard waste compost, mulches or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil;
- (2) Reclaimed or Irrigation Quality (IQ) water used for irrigation (which may contain substantial amounts of nitrogen and phosphorus);
- (3) If applying Fertilizer in accordance with Sections 1-7.5-56 and 1-7.6-57, Commercial Applicators and Institutional Applicators shall maintain documentation to support said exemption(s). If applying Fertilizer in accordance with Sections 1-7.6-56 and 1-7.6-57, Professional Applicator Businesses and Institutional Applicators shall also possess a record of the soil test indicating the amount of phosphorus present. Said records shall be kept in the Professional Applicator Businesses and Institutional Applicator's possession or vehicle(s) and available for inspection by County staff during all business hours or while a Commercial Applicator is working onsite; or
- (4) Commercial Applicator Businesses and Institutional Applicators shall permit the County to obtain a sample of any fertilizer applied or to be applied within the County. If the sample analysis shows that nitrogen and/or phosphorus content does not comply with the levels permitted by State standards, enforcement action may be taken in accordance with Section 1-7.6-58 of this Ordinance, and the cost of analyzing Fertilizer samples taken from Commercial Applicator Businesses or Institutional Applicators shall be reimbursed by said Business or Applicator to the County within thirty (30) days after invoicing.

B. All golf courses shall assure that landscaping is done within the provisions of the Florida Department of Environmental Protection document, "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses". These provisions shall be followed when applying fertilizer to golf course practice and play areas.

C. For all other Specialized Turf Areas, the Managers shall use their best professional judgment to apply the concepts and principles embodied in the Florida Green BMPS, while maintaining the health and function of their Specialized Turf Areas.

1-7.6-55 SOIL TEST INFORMATION

The UF-IFAS Extension Soil Testing Laboratory in Gainesville, Florida offers a variety of tests for mineral soils, container media and irrigation water. The "Landscape and Vegetable Garden producer Test" is recommended for both private and commercial clients fertilizing plants on the landscape, primarily home horticulture.

A soil sampling bag, one bag for each soil sample, and a shipping box in which to send samples to the US-IFAS Extension Soil Testing Laboratory can be obtained free of charge from the St. Lucie County Cooperative Extension Service Office, 8400 Picos Road, Suite 101, Fort Pierce, FL 34945 (772-462-1660). To determine the availability and cost of Soil Fertility Tests contact the St. Lucie County Cooperative Extension Service Office. A PDF version of the Landscape and Vegetable Garden Test Submission Form can be obtained at <http://soilslab.ifas.ufl.edu/>.

1-7.6-541.7.6-56 TRAINING

- (a) All commercial and institutional applicators of fertilizer within the unincorporated area of St. Lucie County shall abide by and successfully complete the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida IFAS Florida-Friendly Landscapes™ program.
- (b) Private, non-commercial applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida IFAS Florida-Friendly Landscapes™ program when applying fertilizers.

1-7.6-551-7.6-57 LICENSING OF COMMERCIAL APPLICATORS

- ~~(a) Prior to January 1, 2014, all commercial applicators of fertilizer within the unincorporated area of St. Lucie County shall abide by and successfully complete training and continuing education requirements of "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida IFAS Florida-Friendly Landscapes™ program, prior to obtaining a St. Lucie County Local Business Tax Receipt for any category of occupation which may apply any fertilizer to turf and/or landscape plants. Current holders of Business Tax Receipts for Commercial Fertilizer Applicator shall provide proof of completion of the program to the~~

~~St. Lucie County Tax Collector's office within 180 days of the effective date of this Section.~~

~~(a)(b)~~After December 31, 2013, all commercial applicators of fertilizer within the unincorporated area of St. Lucie County shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per 5E-14.117(18), Florida Administrative Code.

~~(b)(c)~~All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has a "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a Local Business Tax Receipt. Owners for any category of occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide proof of completion of the program to the St. Lucie County Tax Collector's office prior to receiving a Business Tax Receipt.

~~1-7.6-56~~1-7.6-58

PENALTIES

Violations of sections 1-7.6-47 through 1-7.6-52 shall be enforced per Section 1-2-27.5 Supplemental County Enforcement Procedures.

All other sections may be enforced by the St. Lucie County Code Enforcement Board.

This provision shall not preclude enforcement of this ordinance in the Circuit Court or as otherwise authorized by law.

Funds generated by penalties imposed under this section shall be used by St. Lucie County for the administration and enforcement of Section 403.9337, Florida Statutes, and the corresponding sections of this Code, and to further water conservation and nonpoint pollution prevention activities.

PART B. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable in the unincorporated area of St. Lucie County.

PART E. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART F. EFFECTIVE DATE.

This ordinance shall take effect on June 1, 2014.

PART G. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Chair Frannie Hutchinson	AYE
Vice Chair Paula Lewis	AYE
Commissioner Chris Dzadoovsky	AYE
Commissioner Tod Mowery	AYE
Commissioner Kim Johnson	AYE

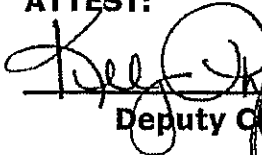
PART H. CODIFICATION.

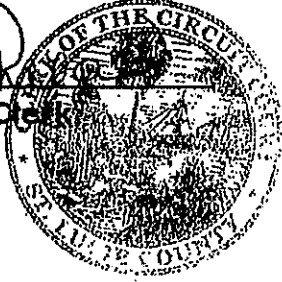
Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts B through H shall not be codified.

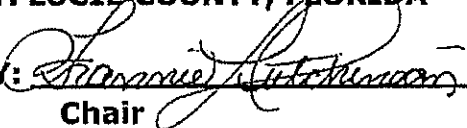
PASSED AND DULY ENACTED this 7TH day of January, 2014.

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

ATTEST:


Deputy Clerk



BY: 
Chair

**APPROVED AS TO FORM AND
CORRECTNESS:**

BY: 
County Attorney

ORDINANCE 14-__

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE CITY COUNCIL SPECIFICALLY REPEALING ORDINANCE 10-12 IN ITS ENTIRETY, AND CREATING CHAPTER __ OF THE CITY OF PORT ST. LUCIE CITY CODE OF ORDINANCES RELATING TO FLORIDA-FRIENDLY FERTILIZER USE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 403.9337, Florida Statutes, each county and municipal government located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to Section 403.067, Florida Statutes, shall, at a minimum, adopt the Florida Department of Environmental Protection's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes; and

WHEREAS, the Florida Department of Environmental Protection has identified specific water bodies in the City of Port St. Lucie ("CITY") as "impaired" as a result of excess nutrients under the Florida Impaired Waters Rule, Chapter 62-303, Florida Administrative Code; and

WHEREAS, surface water runoff containing excess nutrients leaves residential neighborhoods, farms, commercial centers, industrial areas and other lands of the City with low permeability soils; and

WHEREAS, base-flow runoff containing excess nutrients flows from residential neighborhoods, farms, commercial centers, industrial areas, and other lands of the City with high permeability soils; and

WHEREAS, surface water and baseflow runoff containing excess nutrients enters into natural and artificial stormwater and drainage conveyances and natural water bodies in the City; and

WHEREAS, the detrimental effects of nutrient-laden runoff are magnified in a coastal community such as the City, due to the proximity of stormwater and drainage conveyances to coastal waters; and

WHEREAS, nutrient-laden runoff fosters plant and algae growth; and

WHEREAS, the quality of our rivers, estuaries, streams, lakes and the offshore waters of the Atlantic Ocean is critical to environmental, economic and recreational prosperity and to the health, safety and welfare of the citizens of the City; and

WHEREAS, recent algae blooms have heightened community concerns about water quality and eutrophication of surrounding waters; and

ORDINANCE 14-__

WHEREAS, leaching and runoff of nutrients from improper landscaping or excess fertilization practices upstream of as well as within the City can contribute to nitrogen and phosphorus pollution in the City's stormwater and drainage conveyances and natural water bodies; and

WHEREAS, nitrogen and phosphorus pollution in the City's stormwater and drainage conveyances and natural water bodies leads to the overgrowth of vegetation in these waterways; and

WHEREAS, the City's natural and artificial stormwater and drainage conveyances regulate the flow of stormwater to prevent flooding; and

WHEREAS, the overgrowth of vegetation in stormwater and drainage conveyances hinders the goal of flood prevention; and

WHEREAS, it is generally recognized that many Florida soils are naturally high in phosphorus, much of which is in a form that must be modified for absorption by plant materials; and

WHEREAS, it has been recognized by soil science professionals that the use of slow release nitrogen sources minimizes harmful nitrate leaching; and

WHEREAS, the Florida Department of Environmental Protection has mandated total maximum daily loads for "impaired" water bodies in the City; and

WHEREAS, this ordinance is part of a multi-pronged effort by the City to meet these total maximum daily loads and reduce nutrient loading into runoff through such policies as, but not limited to, stormwater management, water conservation, management of septic systems, public education, and development standards as set forth in the City's Code of Ordinances; and

WHEREAS, the City Council previously adopted the Model Ordinance (Ordinance 10-12) on March 22, 2010; and

WHEREAS, the City Council has considered the scientific information received by St. Lucie County, Florida, in its amendment of Chapter 1-7.6, "Environmental Protection," of the St. Lucie County Code and compiled laws establishing regulations for proper use of fertilizers in the unincorporated area of St. Lucie County and adopts this scientific information in establishing these regulations for the proper use of fertilizers in the City. The relevant scientific information includes:

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- October 31, 2013 letter from Beth Alvi, Administrator, Water Quality Restoration Program, State of Florida Department of Environmental Protection
- November 12, 2013 letter from Weldon Collier, Program Planning Coordinator, State of Florida Division of Agricultural Environmental Services
- November 6, 2013 email from Dr. Laurie Trenholm from the University of Florida
- November 19, 2013 email from David Botto, Chairman Fisheries Campaign, Marine Resources Council, which included the following information:
 - Cape Coral North Spreader Canal Ecosystem Management Agreement “Background Information in Support of Proposed Local Fertilizer Ordinance (Revised February 10, 2010).
 - Environmental Protection Commission of Hillsborough County “Technical Support Document for Proposed Local Fertilizer Rule – Chapter 1-15” (May 7, 2010); and
- Analytical Results of Nutrients and Chlorophyll Relative to the 2008 Fertilizer Ordinance in Lee County by Jim Ryan and Ernesto Lasso de la Vega – Lee County Hyacinth Control District (Revised 05-25-12).
- Florida Consumer Fertilizer Task Force “Final Report” to the 2008 Florida Legislature (January 15, 2008)
- Phosphorus Urban Runoff & Aquatic Weeds Responsible Industry for a Sound Environment
- Comparing Nitrogen Runoff and Leaching between Newly Established St. Augustine Grass Turf and an Alternative Residential Landscape (J.E. Erickson, et. al., December 15, 2000)
- Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries – State of Florida Department of Environmental Protection (Revised December 2008)
- Scientific literature review, discussion, public comments and consideration for the proposed Lee County Landscape and Fertilizer Best Management Practices Ordinance, Lee County, Division of Natural Resources (rev. October 31, 2007) with Corrections to Cited Literature (December 5, 2007)
- Indian River Lagoon Comprehensive Conservation and Management Plan Update 2008
- FAU Harbor Branch Indian River Lagoon LOBOs: A Primer M. Dennis Hanisak, FAU Harbor Branch (October 2013)
- Guest Column: Fertilizer and our waters written by Dr. Leesa Souto, Executive Director of the Marine Resources Council (November 22, 2013)
- Science to Support Fertilizer Controls written by Dr. Leesa Souto (December 2013)

WHEREAS, the Indian River Lagoon is a diverse, shallow-water estuary stretching across 40 percent of Florida’s east coast; and

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WHEREAS, the Lagoon is an important commercial and recreational fishery and economic resource to the state and region. The total estimated annual economic value of the lagoon is \$3.7 billion, supporting 15,000 full and part-time jobs and providing recreational opportunities for 11 million people per year; and

WHEREAS, the St. Lucie River and Estuary is an ecological jewel on Florida's Treasure Coast that is integral to the environmental and economic well-being of Martin and St. Lucie Counties. The St. Lucie River is part of the larger Indian River Lagoon system, the most diverse estuarine environment in North America with more than 4,000 plant and animal species, including manatees, oysters, dolphins, sea turtles and seahorses; and

WHEREAS, runoff is causing a public health threat as microcystis aeruginosa, a single-celled blue green alga, or cyanobacterium, has proliferated in the Lagoon to form dense blooms, which produce multiple toxins, including liver toxins, as well as, neurotoxins; and

WHEREAS, 47,000 acres of sea grass have been killed to date in the Indian River Lagoon since 2010, which far exceeds any documented or remembered events in terms of geographic scale, bloom intensity and duration. It is alarming because sea grass is an indicator of the lagoon's health, a food source for manatees and a nursery, refuge and a place of forage for a variety of fish and other marine life; and

WHEREAS, 280 Manatees, 60 Bottlenose Dolphins and 250 Brown Pelicans have died in the Indian River since 2010; and

WHEREAS, based on the above findings, the City Council believes it is necessary to adopt additional regulations to protect and enhance the water quality of the St. Lucie River and the Indian River Lagoon. The City Council has determined that the additional regulations are science based and are economically and technically feasible.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA:

Section 1. That Ordinance 10-12 is specifically repealed and the following shall be substituted in its place and read as follows:

CHAPTER ____. FLORIDA-FRIENDLY FERTILIZER USE

_____ DEFINITIONS

For this Chapter, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise:

“Administrator” means the City Manager or an administrative official of the City designated by the City Manager to administer and enforce the provisions of this Article.

“Application” or *“Apply”* means the actual physical deposit of fertilizer to turf or landscape plants.

“Applicator” means any Person who applies fertilizer on turf and/or landscape plants in the City.

“Board or Governing Board” means the City Council of the City of Port St. Lucie, Florida.

“Best Management Practices” (BMPs) means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

“Code Compliance Specialist” means any designated employee or agent of the City whose duty it is to enforce codes and ordinances enacted by the City.

“Commercial Applicator Business” means any person, sole proprietor, partnership, corporation, business trust, joint venture, or other legal entity that engages in the business of providing lawn fertilizer application in exchange for money, goods, services or other valuable consideration.

“Commercial Fertilizer Applicator,” except as provided in Section 482.1592(9), Florida Statutes, means any Person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

“Damaged Turf or Landscape Plants” means turf or landscape plants that have been deleteriously affected by environmental or biotic stress. Environmental stresses are a result of prolonged exposure to shade, drought, nutrient deficiency, the effects of

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vehicle and foot traffic, salinity and occasional cold temperatures. Biotic stresses result from living organisms such as insects, diseases or nematodes.

"Fertilize," "Fertilizing," or "Fertilization" means the act of applying fertilizer to turf, specialized turf, or landscape plants.

"Fertilizer" means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

"Guaranteed Analysis" means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

"Heavy Rain" means rainfall greater than or equal to 50 mm (2 inches) in a 24 hour period.

"Impervious surfaces" means a constructed surface such as sidewalks, roads, parking lots or driveways covered by water impenetrable materials such as asphalt, concrete, brick, pavers, stone and/or highly compacted soils.

"Institutional Applicator" means any Person, other than a private, non-commercial or a Commercial Applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional Applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

"Landscape Plant" means any native or exotic tree, shrub, or groundcover (excluding turf).

"Lawn Care and Maintenance or Landscaping" shall include, but not be limited to mowing, trimming, pruning, edging, liming, fertilizing, mulching, seeding and aerating of turf and/or landscaping plants.

"Low Maintenance Zone" means an area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

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"Non-Commercial Applicator" means any person other than a Commercial or Institutional Applicator who performs lawn care and maintenance on Turf and/or Landscape Plants in the City, such as an individual owner or tenant of a single-family residential unit.

"Person" means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

"City Approved Best Management Practices Training Program" means a training program approved per Section 403.9338, Florida Statutes, and any more stringent requirements as set forth in this Article that includes the most current version of the Florida Department of Environmental Protection's "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries," as revised and approved by the City Manager.

"Saturated soil" means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this ordinance, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

"Slow Release," "Controlled Release," "Timed Release," "Slowly Available," or *"Water Insoluble Nitrogen"* means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

"Specialized Turf" means areas of grass used for athletic fields, activity fields, parks, golf course practice and play areas, cemeteries and other similar areas.

"Specialized Turf Manager" means a person responsible for fertilizer or directing the fertilization of "specialized turf" as defined above.

"Turf," "Sod," or *"Lawn"* means a piece of grass-covered soil held together by the roots of the grass.

"Urban Landscape" means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For purposes of this section, agriculture has the same meaning as in Section 570.02, Florida Statutes.

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“*Water Body or Water Bodies*” means any visible, standing or open body of water. This shall include, but not be limited to: municipal or private storm sewer systems (including inlets, conveyances and structures), ditches, swales, canals, creeks, rivers, streams, tidal waters, lakes, ponds, ponded water, standing water, marshes, swamps or any other body of permanent or temporary standing or visible water whether or not the water body is natural or man-made or contained by impervious surfaces on the bottom or sides and all wetlands and other surface waters as defined by Chapter 62-348, F.A.C.

_____. **APPLICABILITY**

This Section shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the City, unless such applicator is specifically exempted by the terms of this Section from the regulatory provisions of this Section. This regulation shall be prospective only and shall not impair contracts already in existence as of the effective date of this Section.

_____. **TIMING OF FERTILIZER APPLICATION**

No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Prohibited Application Period or to saturated soils. Additionally, fertilizers containing nitrogen and/or phosphorus shall not be applied to turf and/or landscape plants during any of the following prohibited application periods:

(a) June 1 through September 30.

(b) The time period during which the National Weather Service has issued a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning for any portion of the City.

(c) Heavy rains are expected.

_____. **FERTILIZER FREE ZONES**

Fertilizer shall not be applied within ten (10) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code). If more stringent City Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted turf and/or landscape plants may be fertilized in this Zone only for a sixty (60) day period beginning thirty (30) days

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after planting if needed to allow the plants to become well-established. Caution shall be used to prevent direct deposition of nutrients into the water.

_____. LOW MAINTENANCE ZONES

A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent City Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

_____. FERTILIZER CONTENT AND APPLICATION RATES

A. No fertilizer containing phosphorus shall be applied to turf or landscape plants in the City unless a soil or plant tissue deficiency is verified by a University of Florida, Institute of Food and Agriculture Sciences, approved testing methodology. In the case that a deficiency has been verified, the application of a fertilizer containing phosphorous shall be in accordance with the rates and directions for the Southern Region of Florida as provided by Rule 5E-1.003, Florida Administrative Code. Deficiency verification shall be no more than 2 years old. However, recent application of compost, manure, or top soil shall warrant more recent testing to verify current deficiencies. For purposes of clarification a "very low" designation for phosphorus set forth in the UFIFAS Extension Soil Testing Laboratory Analytical Procedures Training Manual shall mean phosphorus levels below ten (10) parts per million. A "low" designation for phosphorus shall mean phosphorus levels below twenty-five (25) parts per million.

B. Unless otherwise specified in this ordinance, Fertilizers applied to turf and/or landscape plants within the City shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003, Florida Administrative Code, Labeling Requirements for Urban Turf Fertilizers.

C. Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or

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sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention Plan for that site.

D. Fertilizers containing nitrogen or phosphorus shall be applied to Turf and/or Landscape Plants at the lowest amount of rate necessary to correct or prevent nutrient deficiencies without exceeding the maximum per application rate specified on the label in accordance with Florida Department of Agriculture and Consumer Services Rules (5E-1.003, F.A.C.). All Commercial and Institutional Applicators shall be responsible for maintaining a record of the pounds of nitrogen and phosphorous expressed as pounds per 1000 square feet of land applied to each site during the year.

E. While single fertilizer applications in the fall and spring will often suffice, fertilizers shall not be applied more than the Fertilization Guidelines for the Southern Region of Florida under the Florida Department of Agriculture and Consumer Services Rule (5E-1.003, F.A.C.) during any one (1) calendar year to a single area.

F. Fertilizers containing nitrogen applied to turf and/or landscaping plants within the City shall contain no less than 50 percent Slow Release Nitrogen per Guaranteed Analysis Label.

_____. APPLICATION PRACTICES

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

B. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surface.

C. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

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

ORDINANCE 14-__

E. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

_____. MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent possible. Grass clippings should be blown back onto the lawn areas or removed.

_____. GENERAL EXEMPTIONS

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

A. Bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes;

B. Other properties not subject to or covered under the Florida Right to Farm Act that have Pastures used for grazing livestock.

C. Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

_____. SPECIFIC EXEMPTIONS

A. The timing of applications, application rate provisions and other provisions set forth above in Sections _____ through _____ of this Chapter shall not apply to:

(1) Yard waste compost, mulches or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil;

(2) Reclaimed or Irrigation Quality (IQ) water used for irrigation (which may contain substantial amounts of nitrogen and phosphorus);

(3) If applying Fertilizer in accordance with Sections _____ and _____, Commercial Applicators and Institutional Applicators shall maintain documentation to support said exemption(s). If applying Fertilizer in accordance with Sections _____ and _____, Professional Applicator Businesses and Institutional Applicators shall also possess a record of the soil test indicating the amount of phosphorus present. Said records shall be kept in the Professional Applicator

ORDINANCE 14-__

Businesses and Institutional Applicator's possession or vehicle(s) and available for inspection by City staff during all business hours or while a Commercial Applicator is working onsite; or

(4) Commercial Applicator Businesses and Institutional Applicators shall permit the City to obtain a sample of any fertilizer applied or to be applied within the City. If the sample analysis shows that nitrogen and/or phosphorus content does not comply with the levels permitted by State standards, enforcement action may be taken in accordance with Section _____ of this Ordinance, and the cost of analyzing Fertilizer samples taken from Commercial Applicator Businesses or Institutional Applicators shall be reimbursed by said Business or Applicator to the City within thirty (30) days after invoicing.

B. All golf courses shall assure that landscaping is done within the provisions of the Florida Department of Environmental Protection document, "*Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses*". These provisions shall be followed when applying fertilizer to golf course practice and play areas.

C. For all other Specialized Turf Areas, the Managers shall use their best professional judgment to apply the concepts and principles embodied in the Florida Green BMPS, while maintaining the health and function of their Specialized Turf Areas.

_____. SOIL TEST INFORMATION

The UF-IFAS Extension Soil Testing Laboratory in Gainesville, Florida offers a variety of tests for mineral soils, container media and irrigation water. The "Landscape and Vegetable Garden Producer Test" is recommended for both private and commercial clients fertilizing plants on the landscape, primarily home horticulture.

A soil sampling bag, one bag for each soil sample, and a shipping box in which to send samples to the US-IFAS Extension Soil Testing Laboratory can be obtained free of charge from the St. Lucie County Cooperative Extension Service Office, 8400 Picos Road, Suite 101, Fort Pierce, FL 34945 (772-462-1660). To determine the availability and cost of Soil Fertility Tests contact the St. Lucie County Cooperative Extension Service Office. A PDF version of the Landscape and Vegetable Garden Test Submission Form can be obtained at <http://soilslab.ifas.ufl.edu/>.

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_____. TRAINING

A. All commercial and institutional applicators of fertilizer within the City shall abide by and successfully complete the six-hour training program in the “Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries” offered by the Florida Department of Environmental Protection through the University of Florida IFAS Florida-Friendly Landscapes™ program.

B. Private, non-commercial applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida IFAS Florida-Friendly Landscapes™ program when applying fertilizers.

_____. LICENSING OF COMMERCIAL APPLICATORS

A. After December 31, 2013, all commercial applicators of fertilizer within the City shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per 5E-14.117(18), Florida Administrative Code.

B. All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has a “Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries” training certificate prior to the business owner obtaining a Local Business Tax Receipt. Owners for any category of occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide proof of completion of the program to the City of Port Lucie Business Tax Division prior to receiving a Business Tax Receipt.

_____. NOTICE TO CONSUMERS

Retailers shall post a notice provided by the City stating that the use of lawn and landscape fertilizers in the City of Port St. Lucie is restricted in accordance with this chapter.

_____. PENALTIES

ORDINANCE 14-__

Violations of sections _____ through _____ shall be enforced per Chapter 37, Article III – Enforcement Procedures and Schedule of Penalties of the City of Port St. Lucie’s Code of Ordinances.

All other sections may be enforced by the City as provided by law.

This provision shall not preclude enforcement of this ordinance in the Circuit Court or as otherwise authorized by law.

Funds generated by penalties imposed under this section shall be used by the City for the administration and enforcement of Section 403.9337, Florida Statutes, and the corresponding sections of this Code, and to further water conservation and nonpoint pollution prevention activities.

Section 2. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to the City, City ordinances and City resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

Section 3. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

Section 4. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable in the City of Port St. Lucie.

Section 5. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

Section 6. EFFECTIVE DATE.

This ordinance shall become effective on June 1, 2014.

Section 7. CODIFICATION.

Provisions of this ordinance shall be incorporated in the City of Port St. Lucie Code of Ordinances and the word “ordinance” may be changed to “section”, “article”, or

ORDINANCE 14-__

other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Sections 2 through 7 shall not be codified.

ORDINANCE 14-__

PASSED AND APPROVED by the City Council of the City of City, Florida, this
____ day of _____, 2014.

CITY COUNCIL
CITY OF CITY

ATTEST:

By: _____
JoAnn M. Faiella, Mayor

Karen A. Phillips, City Clerk

APPROVED AS TO FORM: _____
Roger G. Orr, City Attorney

H:\denise\ordinances\ordinances - 2014\fertilizer ordinance - DRAFT #4 - 01.24.14.docx

City Commission Conference Agenda

Agenda Item # 4. b.

Meeting Date: 02/10/2014

Re: Priorities for Legislative Delegation Presentation

Submitted For: Nick Mimms, Deputy City Manager, City Manager

SUBJECT:

Priorities for Legislative Delegation Presentation - Deputy City Manager

SUMMARY:

The Economic Development Team will be meeting with members of the St. Lucie County Delegation in Tallahassee on February 19, 20 and 21. Staff requests confirmation of the list of priorities from the City Commission to be presented to the St. Lucie County Delegation in Tallahassee.

RECOMMENDATION:

N/A

ALTERNATIVES:

N/A

RESPONSIBLE STAFF:

City Manager's Office

COORDINATED WITH:

Linda Cox, City Clerk
Rebecca Grohall, Planning Manager
Paul Thomas, Building Administrator

Fiscal Impact

Budgeted Y/N:

Fiscal Year:

Account:

Amount:

OTHER INFORMATION:

No fiscal impact.

Attachments

City of Fort Pierce 2014 Legislative Delegation Priorities



CITY OF FORT PIERCE

2014 LEGISLATIVE DELEGATION PRIORITIES

1. Annexation
 - a. Benefits
 - i. Eliminating inconsistencies of sporadic annexation
 - ii. Clearly defined boundaries for delivery of municipal services
 - iii. Enhanced representation by city commission
 - iv. Streamlining development
 - v. Urban planning advantages
 - vi. Protection of retail service boundary for economic development
 - b. Enhanced Methodology
 - i. Special act by legislation
 - ii. Interlocal Service Boundary Agreement
2. Port of Fort Pierce
 - a. Economic Development of Sustainable Industries
 - b. Funding Distribution for Infrastructure Improvements
 - i. Florida Ports Council
 - ii. Florida Seaport Transportation and Economic Development Program
 - c. Funding Allocation for Creation of Maritime and Intermodal Training Academy
3. Passenger Rail Service
 - a. Continued Funding for Railroad Stations - \$118 Million Previously Allocated
 - b. All Aboard Florida
 - i. Enhanced safety improvements
 - ii. Protection of existing amenities and quality of life
 - c. Tri-Rail and Amtrak Service Opportunities for Future
4. CDBG & SHIP Programs
 - a. Continuation of Funding for Community Redevelopment
 - b. Improvement of Aging Housing Stock
5. Indian River Lagoon
 - a. Funding for Projects to Protect Health of Lagoon
 - i. Stormwater quantity / quality projects
 - ii. Coastal wetland restoration
 - iii. Water quality monitoring
 - b. Determine Sustainable Plan to Promote Health of Lagoon for Future Generations

City Commission Conference Agenda

Agenda Item # 4. c.

Meeting Date: 02/10/2014

Re: Annexation Options and Strategies

Submitted For: Rebecca Grohall, Planning & Zoning Manager, Planning & Zoning

SUBJECT:

Annexation Options and Strategies - Planning Manager

SUMMARY:

A brief overview of different annexation options, recommendations and graphics.

RECOMMENDATION:

N/A

ALTERNATIVES:

N/A

RESPONSIBLE STAFF:

Rebecca Grohall, Planning Manager

COORDINATED WITH:

City Manager's Office

Fiscal Impact

Budgeted Y/N:

Fiscal Year:

Account:

Amount:

OTHER INFORMATION:

Fiscal impact not analyzed at this time.

Attachments

Staff Report

Joint Planning Agreement (2005)

Florida Statutes outline several courses of action for annexation. The two most overt methods are outlined in Chapter 171, Part 1 as voluntary and involuntary. But, a few other options exist. This paper will briefly review each one.

Voluntary Annexation – Section 171.044 of the Florida Statutes allow a city to annex property if consent of the owners of the property is granted, they must be contiguous and reasonably compact to the municipality. These annexations are done through Ordinance and the public hearing process. We can continue with this option, however, its time consuming AND it only adds more the patchwork, utilizing this method does not actually achieve squaring off boundaries (see map). Additionally, some properties that have FPUA agreements are not immediately contiguous – which only protracts the time frame.

Involuntary Annexation – Section 171.0413. The municipality may pass an ordinance to annex property (similar to voluntary annexation), however, the Ordinance does not become effective until a majority vote is received in a referendum held within 30 days.

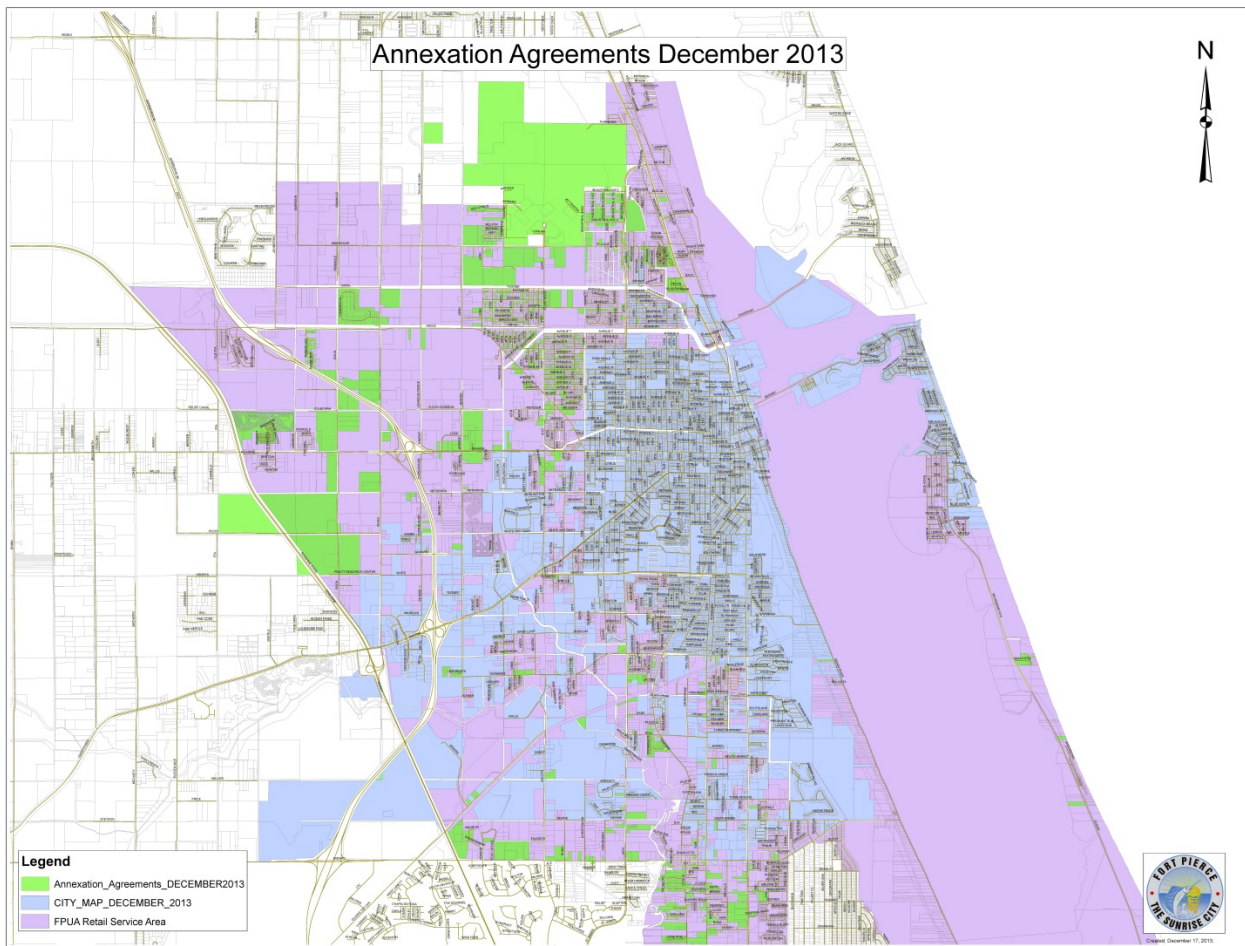
While not as overt as Voluntary or Involuntary, several other options exist including Enclave Annexation, Interlocal Service Boundary Agreements and Annexation by Legislation.

A. Enclave Annexation – as outlined in 171.046 F.S. The Legislature recognizes that enclaves can create significant problems in planning, growth management, and service delivery, and therefore declares that it is the policy of the state to eliminate enclaves. In order to expedite the annexation of enclaves of 10 acres or less into the most appropriate incorporated jurisdiction, based upon existing or proposed service provision arrangements, a municipality may annex an enclave by interlocal agreement with the county having jurisdiction of the enclave;

B. Interlocal Service Boundary Agreement (ISBA) – 171 Part 2
The Florida Statutes were amended by the Legislature in 2006 to add a second part to the State’s annexation laws. This new Part II retained existing annexation law, which has been in place for many years, and added an alternative approach to annexation that is intended to encourage local government coordination in planning, service delivery, and boundary adjustments due to annexation. ISBA agreements have been utilized as approach to avoiding conflicts between counties and cities. Several areas have used this tool, successfully including Orange County with City of Ocoee and City of Orlando, and Pinellas County. The ISBA process also addresses the fiscal impact of annexation on both the City and the County, which can provide for an equitable solution for a capital improvement, rights of ways, maintenance of rights of ways and drainage areas. The legal requirements still require consent, but only 50% of the owners, which may be conducted by petition or ballot, not necessarily incurring the expense and voter confusion of a referendum.

If pursuing the ISBA option, my recommendation is to set the FPUA Retail Service Area (shown in purple, along with the green areas) as the ultimate city limits. Those boundaries have already been approved with St. Lucie County through Interlocal Agreements for

water/waste water delivery. Basically, the colored map would become the ultimate City limits.

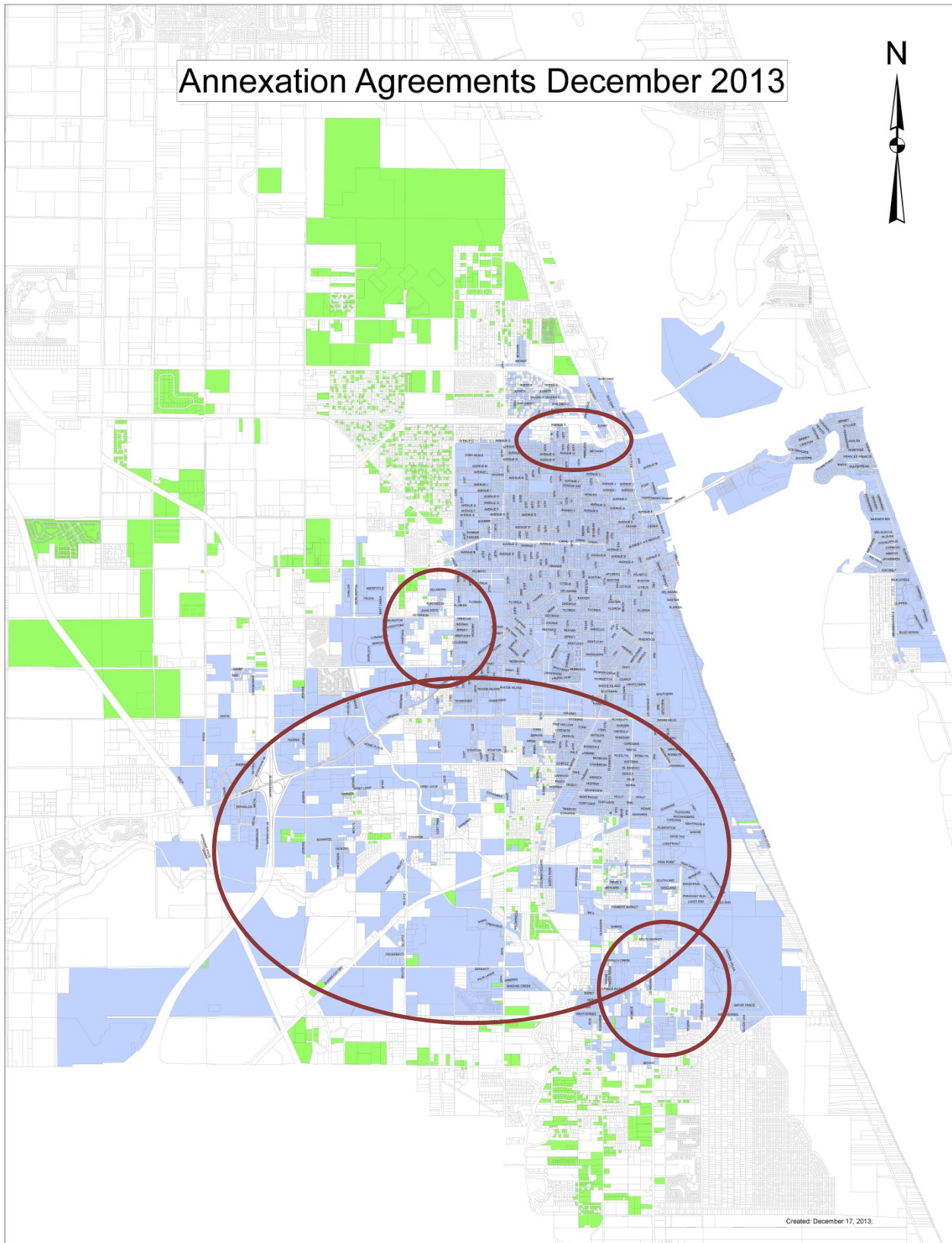


C. Annexation by Legislation – Subsection 171.044(4) F.S. says the procedures for voluntary annexation shall be “supplemental to any other procedure provide by general or special law. There are a number of special annexation laws the exist in Florida, including the Gainesville Special Act and the Broward Delegation., I think this is worth pursuing with local legislative delegation, but without the referendum requirement.

Proposed Annexation Strategy:

- Revisit the current JPA Agreement with St. Lucie County to address Enclave Annexations pursuant to 171.046 F.S.
- Begin the ISBA process with St. Lucie County. I believe that St. Lucie Village and City of Port St. Lucie would want to participate too.
- Incentivize Annexation – perhaps placing a moratorium on the annexation fee for a year.

Areas that are potential candidates for “Enclave Annexation”



**JOINT PLANNING AGREEMENT
BETWEEN
ST. LUCIE COUNTY, FLORIDA AND
THE CITY OF FORT PIERCE**

This Joint Planning Agreement (the "Agreement") made and entered into as of the 6TH day of JUNE, 2005, by and between **ST. LUCIE COUNTY**, a political subdivision of the State of Florida (hereinafter referred to as the "County"), the **CITY OF FORT PIERCE**, a Florida municipal corporation (hereinafter referred to as the "City"). (The County and City are sometimes collectively referred to as the "Parties".)

W I T N E S S E T H:

WHEREAS, it is the purpose and intent of this Agreement, the Parties hereto, and the Florida Interlocal Cooperation Act of 1969, as amended and codified as Section 163.01, Florida Statutes (the "Cooperation Act"), and Section 163.3171(3), Florida Statutes, to permit the City and the County to make the most efficient use of their respective powers, resources and capabilities by enabling them to cooperate on the basis of mutual advantage and thereby to provide the property, facilities and services provided for in this Agreement in the manner that will best accord with the existing and anticipated resources available to each of them and with geographic, economic, population and other factors influencing the needs and developments within an area ("Planning Area"), as designed on the attached map as Exhibit "A"; and,

WHEREAS, it is the purpose of the Cooperation Act to provide for a means by which the Parties may exercise their respective powers, privileges and authorities which they might now or in the future share in common and which each might exercise separately; and,

WHEREAS, the Parties recognize that proper intergovernmental coordination is essential for sound growth management; and,

WHEREAS, a joint planning area agreement will provide a basis for the evaluation of future development applications as well as for the adequate and cost effective provision of public services within the Planning Area; and,

WHEREAS, the County has adopted a Comprehensive Plan within an established Urban Services Boundary which is depicted on Exhibit "A"; and,

WHEREAS, the City has adopted a Comprehensive Plan which applies within the current boundaries of the City which are depicted in Exhibit "A"; and,

WHEREAS, the Parties seek to coordinate and achieve compatible land uses adjacent to their common boundary; and,

WHEREAS, the Parties seek to promote sustainable economic development and quality job creation through consistent and planned development patterns and agree to work cooperatively to preclude urban sprawl; and,

WHEREAS, effective intergovernmental relations will improve the delivery of public services; and,

WHEREAS, Section 163.3171(3), Florida Statutes, authorizes municipalities and counties to enter into joint agreements for the purposes of coordinating the preparation and adoption of municipal and county comprehensive plans, procedures for the administration of land development regulations or land development codes applicable thereto and other purposes under the Local Government Comprehensive Planning and Land Development Act, Section 163.3161, et.seq., Florida Statutes.

WHEREAS, the Local Government Comprehensive Planning and Land Development Act encourages joint agreements entered into pursuant thereto to be formally stated and approved in appropriate action by the governing bodies involved and the administration be governed by the Florida Interlocal Cooperation Act of 1969; and,

WHEREAS, the City and the County have held public hearings with public notice thereof to consider the adoption of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants of this Agreement, the City and the County agree as follows:

ARTICLE 1 AUTHORITY

1.1 **Authority.** This Agreement is entered into pursuant to the provisions of Section 163.01, Florida Statutes, Section 163.400, Florida Statutes; Part III, Chapter 163, Florida Statutes; Section 163.3171(3), Florida Statutes, and other applicable provisions of law, all as amended and supplemented from time to time.

ARTICLE 2 DEFINITIONS

2.1 **Definitions.** The following definitions shall apply to this Agreement:

Agreement: The interlocal planning agreement.

City: The City of Fort Pierce, Florida.

Cooperation Act: The Florida Interlocal Cooperation Act of 1969 as amended and codified as Section 163.01, F.S.

County: St. Lucie County, Florida.

Development Permits: Development Permit includes any building permit, zoning permit, subdivision approval, rezoning, certification, certificates of occupancy, building inspections, special exception, variance or any other official action of local government having the effect of permitting the development of land.

Parties: St. Lucie County, Florida, and the City of Fort Pierce, Florida.

Planning Area: The area depicted in Exhibit "A".

ARTICLE 3 PURPOSE, FINDINGS, INTENT

3.1 The purpose of this Agreement is to provide certain procedures for joint action by City and the County within the Planning Area in the preparation and adoption of changes to the comprehensive plan and on procedures for the administration of land development regulations or the land development code applicable thereto.

3.2 It is the intent of the parties to provide for the cooperation in managing growth within the Planning Area by providing for the coordination of comprehensive plan and land development regulations for the Planning Area.

ARTICLE 4
COMPREHENSIVE PLAN, LAND DEVELOPMENT REGULATIONS AND
CODE ENFORCEMENT

4.1 To provide for better integrated land use planning and land development within the Planning Area, the Parties agree as follows:

4.1.1. The City agrees to provide the County Administrator and County Attorney with 30 days prior written notice of all annexations into the City (first reading of annexation ordinance). This notice shall include copies of all annexation ordinances, staff reports and recommendations, and copies of all agreements, contracts or other similar instruments effecting any voluntary annexations. The County agrees to provide any written comments it may have on the proposed annexation to the City Manager and City Attorney at least three (3) days prior to the first reading of the annexation ordinance. Any comments submitted for consideration will be made a part of the record prior to final approval of the annexation.

4.1.2 In order to promote coordination of land use and development activities within the community, the County shall have the right to designate a non-voting representative to attend the City's site plan review committee and the City shall have the right to designate a non-voting representative to attend the County's development review committee. Each party shall provide the other party written notice of committee meetings.

4.2 Notwithstanding anything provided in this Agreement, neither the City's nor the County's duties, obligations, or responsibilities under any section of this Agreement shall affect the Parties' right, duty, obligation, authority or power to act in its governmental or regulatory capacity in accordance with applicable laws, ordinances, codes or other building regulations nor in the exercise of any discretionary act or power within its respective jurisdiction. In no event shall the Parties, due to any provision of this Agreement, be obligated to take any action concerning regulatory approvals for development permits except through its established processes and in accordance with applicable provisions of law. Failure to comply in any respect with this Agreement by either Party, including the providing of notice, shall neither affect nor serve as a basis to invalidate any land use development approvals.

ARTICLE 5 MISCELLANEOUS

5.1 Amendments. This Agreement may be amended by the mutual written agreement of the County and the City at any time from time to time, which amendments shall become effective upon filing thereof with the Clerk of the Circuit Court of St. Lucie County, Florida, pursuant to Section 163.01(11), Florida Statutes.

5.2 Assignment. None of the parties may assign or transfer any or all of its duties, rights, responsibilities, or obligations under this Agreement to any other party or any person not a party to this Agreement without the express prior approval of the other party to this Agreement.

5.3 Severability. The provisions of this Agreement are severable, and it is the intention of the parties to confer the whole or any part of the powers herein provided for and if any of the provisions of this Agreement or any other powers granted by this Agreement shall be held unconstitutional, invalid or void by any court of competent jurisdiction, the decision of said court shall not affect or impair any of the remaining provisions of this Agreement. It is hereby declared to be the intent of the parties hereto that this Agreement would have been adopted, agreed to, and executed had such unconstitutional, invalid or void provision or power not been included therein.

5.4 Members of the City and County Not Liable.

(1) All covenants, stipulations, obligations and agreements of the City and the County contained in this Agreement shall be deemed to be covenants, stipulations, obligations and agreements of the City and the County, respectively, to the full extent authorized by the Act and provided by the Constitution and laws of the State of Florida.

(2) No covenant, stipulation, obligation or agreement controlled herein shall be deemed to be a covenant, stipulation, obligation or agreement of any present or future individual member of the governing body or agent or employee of the City or the County in its, his or their individual capacity, and neither the members of the Governing Body of the City or the County or any official executing this Agreement shall individually be liable personally or shall be subject to any accountability by reason of the execution by the City or the County of this Agreement or any act pertaining or contemplated hereby.

5.5 Term of the Agreement

The initial term of this Agreement shall be five (5) years from the Effective Date unless sooner terminated by either Party. The term of the Agreement shall be automatically extended in five (5) year increments unless either party notifies the other party of its desire to terminate the Agreement which notice must be provided in writing at least ninety (90) days before the end of the then current term. Either Party may terminate this Agreement by providing thirty (30) days written notice to the other.

5.6 Beneficiaries. Nothing in this Agreement, expressed or implied, is intended or shall be construed to confer upon any person, firm or corporation other than the parties hereto, any right, remedy, or claim, legal or equitable, under or by reason of this Agreement or any provision hereof. It is the intent of the parties hereto that this Agreement and all its provisions are intended to be and are for the sole and exclusive benefit of the parties hereto.

5.7 Notices. Any notice, demand, direction, request or other instrument authorized or required by this Agreement to be given or filed with the City or the County shall be deemed sufficiently given or filed for all purposes of this Agreement if and when sent by registered mail, return receipt requested, or by direct personal delivery:

To the County:

St. Lucie County Administrator
(With a copy to St. Lucie County Attorney)
2300 Virginia Avenue
Fort Pierce, Florida 34982

To the City:

Fort Pierce City Manager
(With a copy to City of Fort Pierce Attorney)
Post Office Box 1480
Fort Pierce, Florida 34954

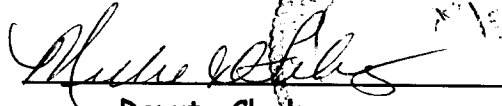
5.8 Execution of Agreement. This Agreement shall be executed by both Parties and approved as to form and execution by the its Attorney, and their seal affixed hereto. If any officer whose signature appears on this Agreement ceases to hold office before all officers shall have executed this Agreement or prior to the filing of this Agreement as provided in Section 6.11 hereof, his or her signature shall nevertheless be valid and sufficient for all purposes. This Agreement shall bear the signature of, or may be signed by, such individuals as at the actual time of the execution of this Agreement shall be the

proper and duly empowered officer to sign this Agreement and this Agreement shall be deemed to have been duly and properly executed even though on the Effective Date any such individual may not hold office.

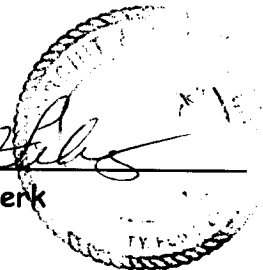
5.9 Filing with Circuit Court Clerk. The County is hereby authorized and directed after approval of this Agreement by the Governing Body of the County and the City and the execution thereof by the duly qualified and authorized officers of each of the parties hereto as provided, to file this Agreement with the Clerk of the Circuit Court of St. Lucie County, Florida, as provided in Section 163.01(11), Florida Statutes.

IN WITNESS WHEREOF, the parties hereto, by and through the undersigned, have entered into this Interlocal Agreement as of the day and year first above written.


ATTEST:



Deputy Clerk

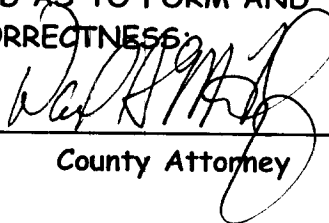


BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY: 


Chairman 5/3/05

APPROVED AS TO FORM AND
CORRECTNESS:

BY: 

County Attorney

ATTEST:



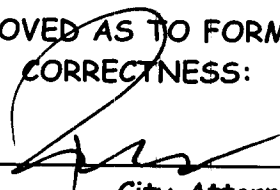
City Clerk

CITY OF FORT PIERCE, FLORIDA

BY: 

Mayor

APPROVED AS TO FORM AND
CORRECTNESS:

BY: 

City Attorney


Exhibit A


Legend

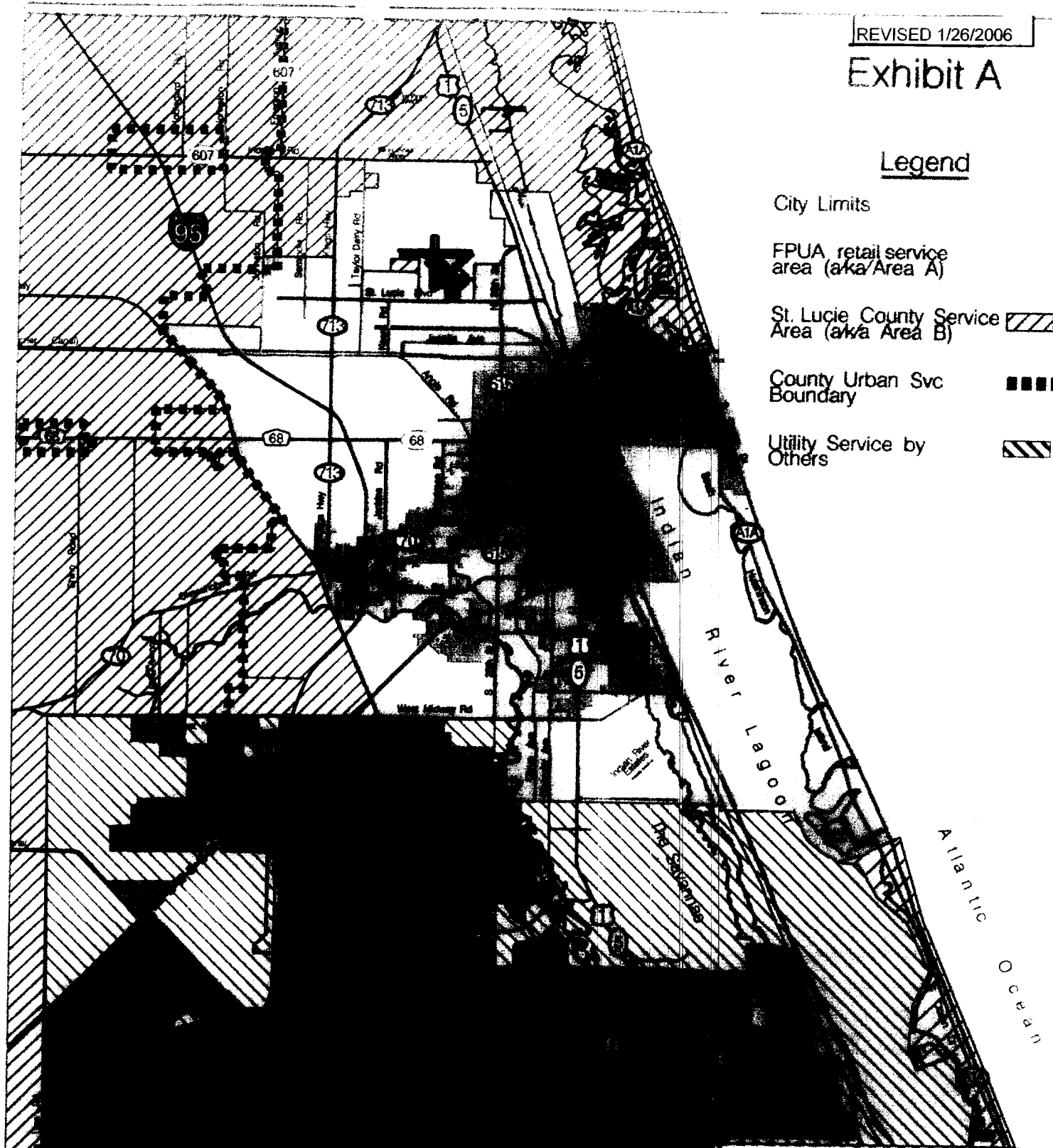
City Limits

FPUA retail service area (aka/Area A)

St. Lucie County Service Area (aka/Area B) 

County Urban Svc Boundary 

Utility Service by Others 



Proposed Utility Service Area
St. Lucie County/Ft. Pierce
Utility Authority



Community Development
Geographic Information Systems
We are not liable for any errors or omissions in this map or any other information provided. The user assumes all responsibility for the use of this map.




Exhibit A


Legend

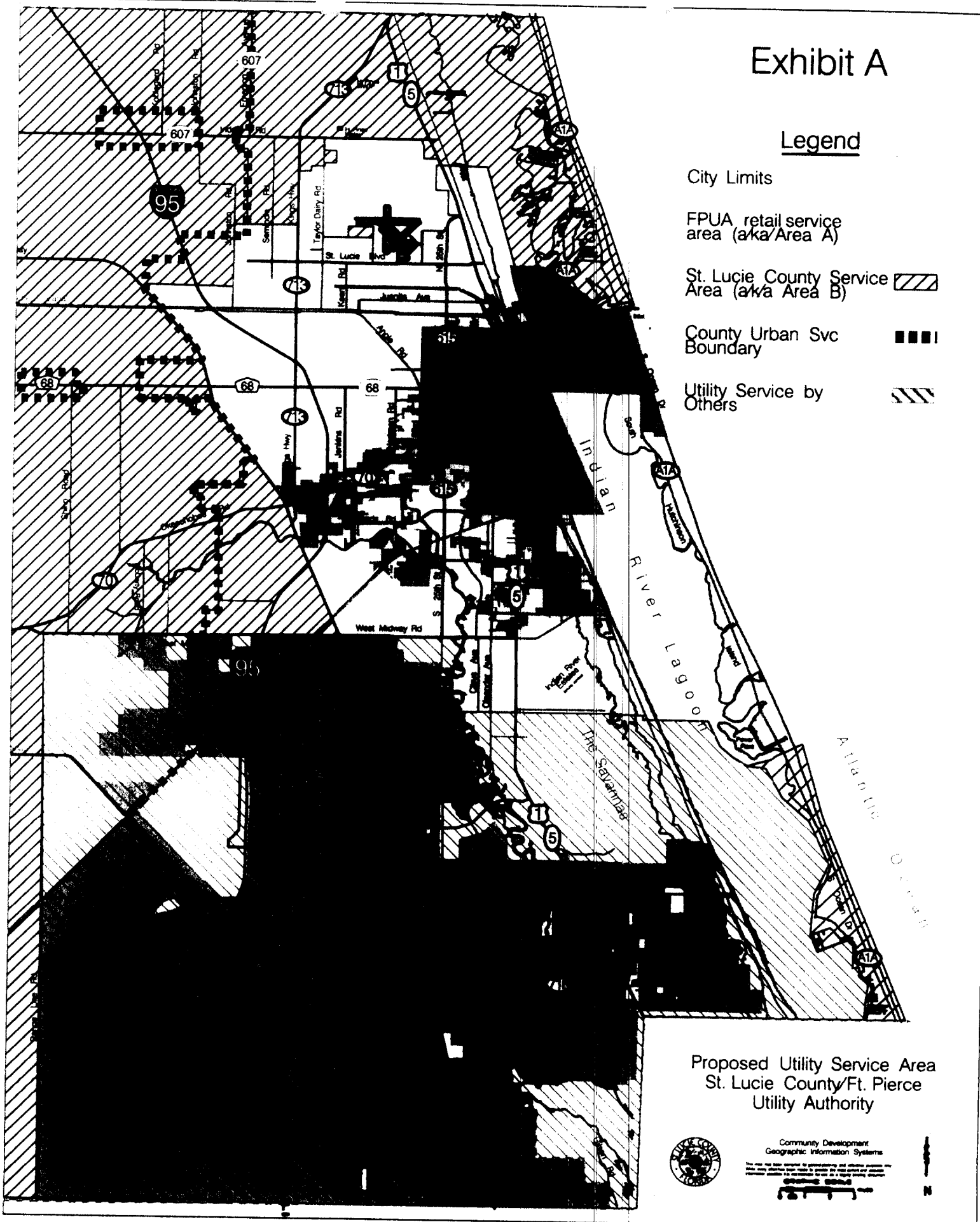
City Limits

FPUA retail service area (aka/Area A)

St. Lucie County Service Area (aka/Area B) 

County Urban Svc Boundary 

Utility Service by Others 



Proposed Utility Service Area
St. Lucie County/Ft. Pierce
Utility Authority






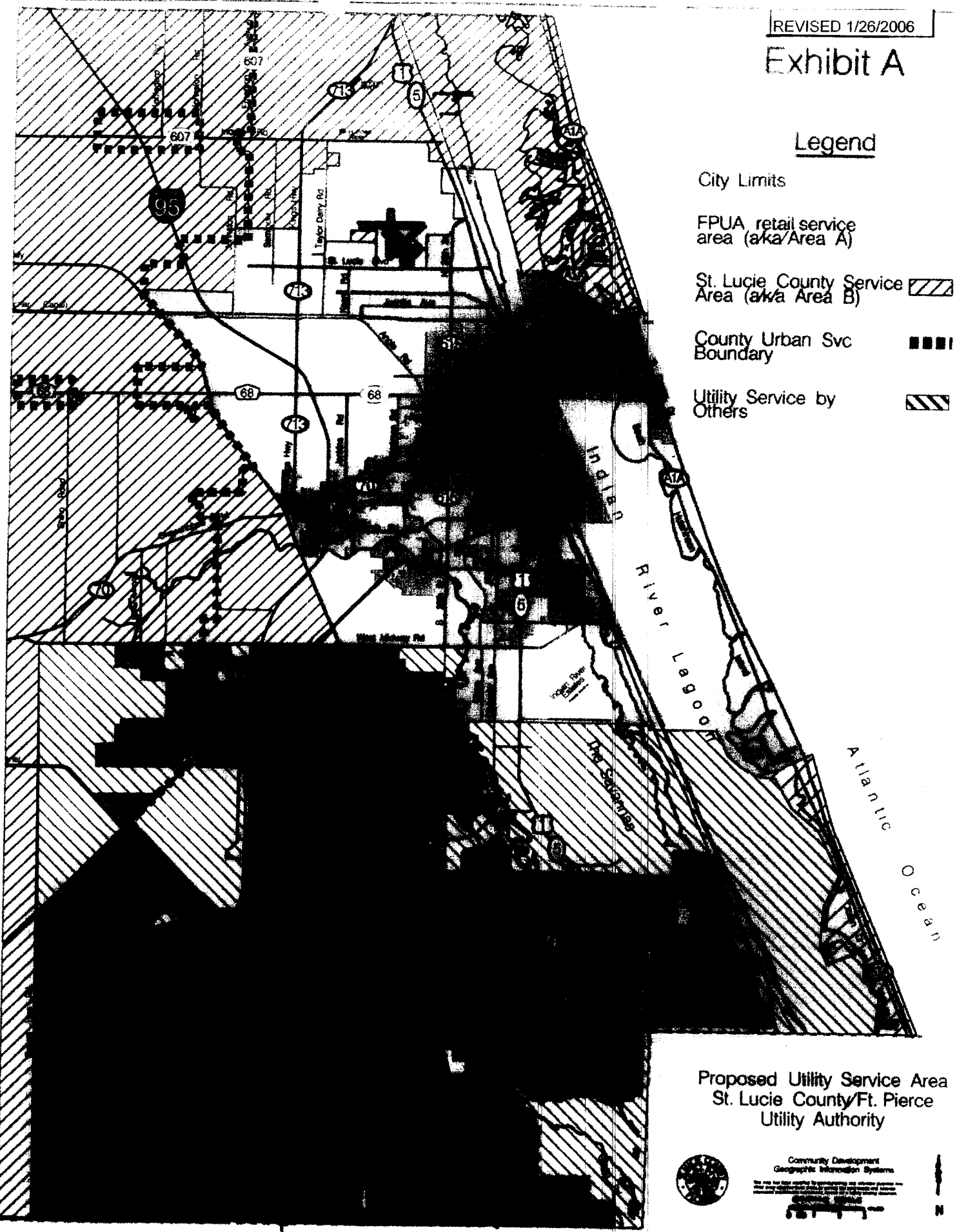
Community Development
Geographic Information Systems
The map has been compiled to provide a general overview of the utility service area. It is not intended to be used for legal purposes. For more information, please contact the Utility Authority.



Exhibit A

Legend

- City Limits
- FPUA retail service area (aka/Area A)
- St. Lucie County Service Area (aka/Area B) 
- County Urban Svc Boundary 
- Utility Service by Others 



Proposed Utility Service Area
 St. Lucie County/Ft. Pierce
 Utility Authority



Community Development
 Geographic Information Systems
This map has been created by geographically displaying public information and does not constitute a warranty or representation of accuracy.



City Commission Conference Agenda

Agenda Item # 4. d.

Meeting Date: 02/10/2014

Re: Community Redevelopment Area (CRA) Expansion Analysis of FPRA

Submitted For: Rebecca Grohall, Planning & Zoning Manager, Planning & Zoning

SUBJECT:

FPRA Expansion Analysis - Planning Manager

SUMMARY:

A document that provides additional information to assist in decision making.

RECOMMENDATION:

N/A

ALTERNATIVES:

N/A

RESPONSIBLE STAFF:

Rebecca Grohall, Planning Manager

COORDINATED WITH:

City Manager's Office

Fiscal Impact

Budgeted Y/N:

Fiscal Year:

Account:

Amount:

OTHER INFORMATION:

See attached reports

Attachments

Staff Report

Fiscal Analysis Report

FPRA Debt Service Table



CITY OF FORT PIERCE

PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

TO: Robert Bradshaw, City Manager

FROM: Rebecca Grohall, Planning Manager

RE: CRA Expansion

DATE: February 5, 2013

Current FPRA accounts for roughly 47% of the city's geography, 3,154 acres. Additional proposed 1,020 acres this would bring the total acreage within the FPRA to 4,174 or 62% of the total City within a redevelopment district.

In dollars, approximately a fourth of the City's tax base is directed into the existing FPRA districts, by increasing the area that City would be dedicating almost one-third of all property tax revenues into the CRA (please refer to Table 4 in the attached report). In conversations through FRA (Florida Redevelopment Associations) colleagues, this percentage appears to be higher than what most cities and counties think is palatable.

Assuming a 2014 base year establishment for expanding the CRA, the new incremental revenue coming into the CRA for the next ten years is \$1.6 million total (see Table 5 of the attached report). Assuming the County agrees to participate, the total would add \$835,000 (see Table 6 of the attached report). It's unclear if the County will agree to participate in the expansion and to what extent, and from previous efforts, it is assumed they will request enter into a joint public hearing process as outlined in Sec. 163.361 F.S. (essentially triggering a 90-120 day mediation session).

The entire City has seen values plummet and if the two proposed areas are added into the CRA, new incremental revenues are not significant enough for at least a decade (possibly longer) before capital projects can be undertaken under the guise of the FPRA. Nor are they significant enough to help reduce the City's payment towards FPRA's debt service (see the attachment with the Debt Service information).

It's my recommendation that the FPRA not be expanded at this time. As an alternative, any future growth in the ad valorem base for the City may be dedicated for specific projects. Several places are doing this in lieu of creating new CRA's. For example, Osceola County recently developed a "Dedicated Ad Valorem" program that allows increases in the tax collections (incremental funds) to be utilized for specific capital projects, in their case – roadway maintenance, including personnel costs for repairs and renovations. In Escambia County, the elected officials there have decided to set aside a portion of new growth into economic development programs. Both of these programs effectuate the same goals of a CRA to bring growth to an area through capital improvements, yet eliminate restricting the funds. As indicated in the Considerations outlined in the report (page 6) this leaves the City covering the FPRA budget shortfalls and making hard decisions regarding services, deferring maintenance on infrastructure, and handicapping the City's general fund.

The Fiscal Implications of Expanding the Fort Pierce Community Redevelopment Area

Prepared by
 Terry Clower, Ph.D.
 T.Clower & Associates

Roger Dale
 Natelson-Dale Group, Inc.

Overview

The City of Fort Pierce, Florida, is currently considering an expansion of the city’s Community Redevelopment Area (CRA). As shown in Figure 1, the proposed expansion includes areas of the city to the north and south of the existing CRA. In the following, we report the findings of the first of two tasks examining the potential fiscal and developmental impacts that would attend the proposed CRA expansion. Here we estimate the revenue that would be dedicated to CRA uses within the context of city budget conditions. The second task will assess the potential uses of tax increment revenue that would accrue to the Community Redevelopment Agency if the city adopts the proposed CRA expansion.

The City of Fort Pierce, Florida, is currently considering an expansion of the city’s Community Redevelopment Area (CRA). As shown in Figure 1, the proposed expansion includes areas of the city to the north and south of the existing CRA. In the following, we report the findings of the first of two tasks examining the potential fiscal and developmental impacts that would attend the proposed CRA expansion. Here we estimate the revenue that would be dedicated to CRA uses within the context of city budget conditions. The second task will assess the potential uses of tax increment revenue that would accrue to the Community Redevelopment Agency if the city adopts the proposed CRA expansion.

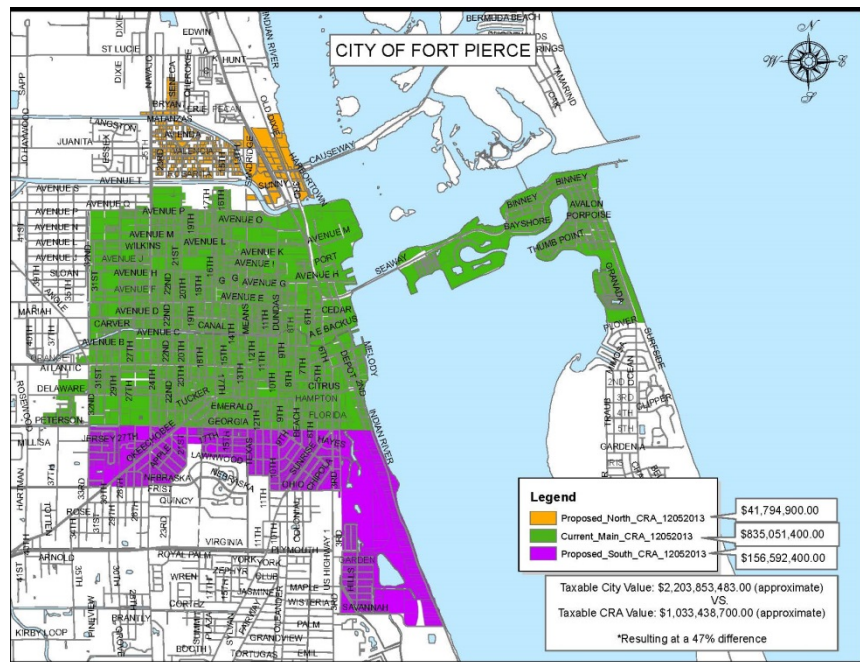


Figure 1: Fort Pierce CRA Areas
 Source: City of Fort Pierce

Real Estate Market Conditions

Fort Pierce city leaders are very much aware of the severe impacts on local property valuation wrought by the housing market crash and economic recession of 2007-2008. Figure 2 shows the rise and fall of the Zillow Home Value Index© for Fort Pierce from 2004 through the end of 2013. Based on this data, the home value index rose over 70% in about 18-months beginning in January 2004, and then began a steep decline bottoming out in fall of 2012. The good news is the data suggest that the housing market is finally beginning to recover. To be clear, the Zillow index is dramatically impacted by the particular houses that are on the market at any given time, and therefore do not represent actual values for all properties. However, the pattern of valuation is illustrative.

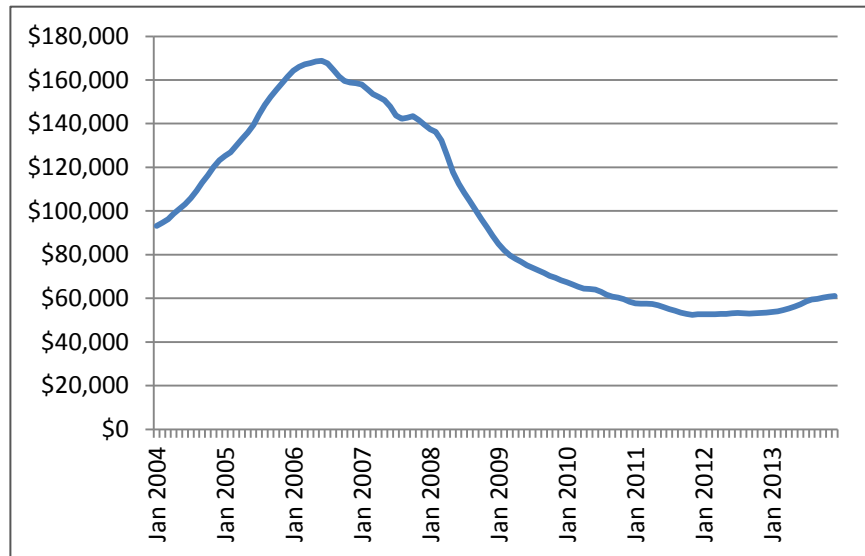


Figure 2 : Zillow Home Value Index, City of Fort Pierce

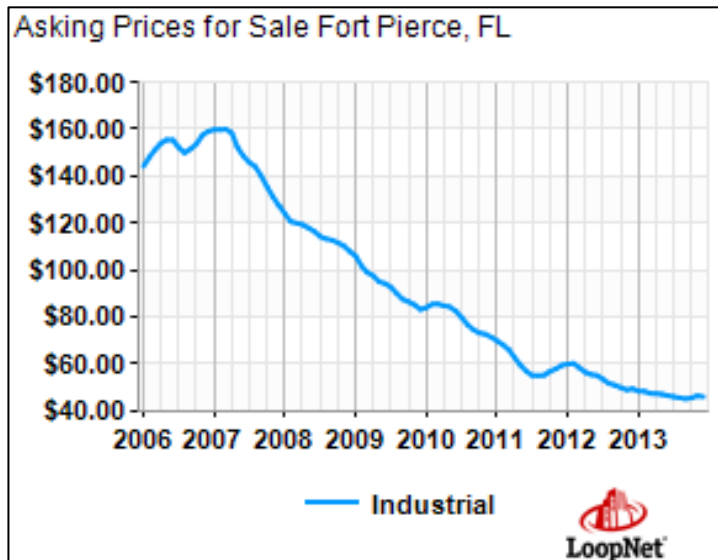


Figure 3: Industrial Real Estate Prices Per Square Foot

This dramatic reduction in residential property values also appears in estimated values for industrial properties according to internet real estate market site LoopNet (see Figure 3). The net result of these real estate market perturbations has been the loss of millions of dollars in property tax revenue to the City of Fort Pierce. As shown in Table 1, property tax valuations and revenues grew handsomely pre-recession, but current revenues remain about \$6 million below the Fiscal Year 2007-2008 peak.

Table 1: Taxable Property Values and Tax Levies, City of Fort Pierce

Fiscal Year	Taxable Value	Millage Rate	Taxes Levied
2004-05	\$ 1,522,849,627	7.8305	\$ 11,924,674
2005-06	\$ 1,827,074,820	6.9823	\$ 12,757,185
2006-07	\$ 2,733,746,997	5.9823	\$ 16,354,095
2007-08	\$ 3,062,235,349	5.4674	\$ 16,742,466
2008-09	\$ 2,810,584,343	5.4674	\$ 15,366,589
2009-10	\$ 2,292,750,602	5.4674	\$ 12,535,385
2010-11	\$ 2,091,842,939	5.4674	\$ 11,436,942
2011-12	\$ 1,950,013,641	5.4674	\$ 10,661,505
2012-13	\$ 1,879,203,274	5.7131	\$ 10,736,076
2013-14	\$ 1,865,378,645	6.6050	\$ 12,320,826

Source: City of Fort Pierce

Based on data provided by the St. Lucie County Property Appraiser’s Office, the same pattern of value decline occurred for properties included in the proposed expansion of the CRA. Table 2 provides these data. In both the north and south expansion areas, taxable property values are dramatically lower than the peak year of 2007.

Table 2: Taxable Values, Proposed CRA Expansion Areas

Tax Year	New Area North		New Area South	
	Property Count	Taxable Value	Property Count	Taxable Value
2006	338	\$ 66,075,570	1,575	\$ 148,754,778
2007	339	\$ 70,293,688	1,575	\$ 156,738,144
2008	339	\$ 62,996,614	1,576	\$ 138,131,528
2009	339	\$ 46,961,299	1,576	\$ 113,064,988
2010	339	\$ 41,180,160	1,576	\$ 97,242,388
2011	339	\$ 37,346,430	1,576	\$ 92,947,862
2012	339	\$ 34,122,813	1,576	\$ 88,811,719
2013	339	\$ 32,553,266	1,577	\$ 89,148,802

Source: St Lucie County Property Appraiser’s Office

Data Analysis

The St. Lucie County Property Appraiser’s District graciously provided detailed data to the research team for each property located in one of the proposed CRA expansion areas. This included total values, exemptions, and taxable property values. However, in performing our review we discovered that the data provided reflected county exemptions and county taxable values. We therefore engaged in property by property examinations of *city* taxable values based on the following approach. Of the 339 properties in the north expansion area, we examined 124 that showed substantial taxable property value exemptions, such as homestead, over-65, disability, and veteran disability. We estimate that city taxable values in the north area are 5% higher than corresponding county taxable values. Examining the many hundreds of properties that qualify for one or more valuation exemptions in the south expansion area is beyond the scope of this analysis. Therefore, we randomly selected 200 properties and compared city and county taxable values finding that city taxable valuations average 11.9% higher than county

taxable valuations on those properties with significant levels of exemptions. We applied this percentage increase to the valuations of all relevant properties. Table 3 summarizes our review of these property valuation data, as well as reporting the valuation shown for the existing CRA. Combined, the proposed north and south CRA expansion areas would include almost \$153 million in current taxable property values. While individually the proposed CRA expansion areas only represent 1.9% and 5.9% of gross taxable property value in the City of Fort Pierce, when added to the property included in the current Main CRA, the city would be dedicating almost one-third (31.2%) of all property tax revenues to the CRAs (see Table 4).

Table 3: Property Values by Area

Area	Total Value	County	City
		Taxable Value	Taxable Value*
Proposed North CRA	\$ 41,794,900	\$ 34,443,066	\$ 36,165,219
Proposed South CRA	\$ 156,592,400	\$ 102,811,265	\$ 109,905,242
Total of Proposed Areas	\$ 198,387,300	\$ 137,254,331	\$ 146,070,462
Current Main CRA	\$ 835,051,400	\$ 435,702,810	\$ 435,702,810
Total	\$ 1,033,438,700	\$ 572,957,141	\$ 581,773,272

* We did not adjust the reported valuation for the Main CRA. Sources: St. Lucie County Appraiser’s District, authors’ estimates

Table 4: Community Reinvestment Area Values

	Taxable Valuation	%
Gross Taxable (city)	\$ 1,865,378,645	
Current Main CRA	\$ 435,702,810	23.4%
Proposed North CRA	\$ 36,165,219	1.9%
Proposed South CRA	\$ 109,905,242	5.9%
Total CRA	\$ 588,676,768	31.2%

Projecting the potential revenue that would be generated in the proposed CRA expansion areas for future years is highly challenging. Applying most any statistical forecasting method to the data over the past several years would foresee continuing declines in property values. As noted earlier, there are early indications that the Fort Pierce property market may be starting a rebound. It is possible that there could be a strong rebound in local housing values. However, a cursory examination of the city’s housing stock would suggest the potential for rising values, but not necessarily a sharp increase. To provide city leaders with data to inform their decision making, we recommend an assumption of a modest 3% average annual increase in total taxable property values for assessing the fiscal impacts of the proposed CRA expansion areas. Table 5 and Table 6, representing the City of Fort Pierce and St. Lucie County, respectively, show our projections of revenue that would be generated for the proposed CRA expansion areas using the following assumptions:

- 3% annual property value increase (does not include new development),
- 95% of marginal value increase assigned to the CRA,
- millage rate of 6.6050 for the City of Fort Pierce,
- millage rate of 2.9221 for St. Lucie County (full county participation).

Total new CRA revenue over the 2015-2025 study period would be \$1.6 million (NPV \$1.3 million) from the city and \$835,000 (NPV \$680,000) from the county.

Table 5: CRA Revenue Estimates, City of Fort Pierce Only

Fiscal Year	Proposed North Area				Proposed South Area				Total CRA Revenue
	Taxable Value	Value Margin	Margin To CRA	CRA Revenue	Taxable Value	Value Margin	Margin To CRA	CRA Revenue	
2014	\$ 36,165,219				\$ 109,905,242				
2015	\$ 37,250,176	\$ 1,084,957	\$ 1,030,709	\$ 6,808	\$ 113,202,400	\$ 3,297,157	\$ 3,132,299	\$ 20,689	\$ 27,497
2016	\$ 38,367,681	\$ 2,202,462	\$ 2,092,339	\$ 13,820	\$ 116,598,472	\$ 6,693,229	\$ 6,358,568	\$ 41,998	\$ 55,818
2017	\$ 39,518,712	\$ 3,353,492	\$ 3,185,818	\$ 21,042	\$ 120,096,426	\$ 10,191,183	\$ 9,681,624	\$ 63,947	\$ 84,989
2018	\$ 40,704,273	\$ 4,539,054	\$ 4,312,101	\$ 28,481	\$ 123,699,318	\$ 13,794,076	\$ 13,104,372	\$ 86,554	\$ 115,036
2019	\$ 41,925,401	\$ 5,760,182	\$ 5,472,173	\$ 36,144	\$ 127,410,298	\$ 17,505,056	\$ 16,629,803	\$ 109,840	\$ 145,984
2020	\$ 43,183,163	\$ 7,017,944	\$ 6,667,047	\$ 44,036	\$ 131,232,607	\$ 21,327,365	\$ 20,260,996	\$ 133,824	\$ 177,860
2021	\$ 44,478,658	\$ 8,313,439	\$ 7,897,767	\$ 52,165	\$ 135,169,585	\$ 25,264,343	\$ 24,001,126	\$ 158,527	\$ 210,692
2022	\$ 45,813,018	\$ 9,647,798	\$ 9,165,409	\$ 60,538	\$ 139,224,673	\$ 29,319,430	\$ 27,853,459	\$ 183,972	\$ 244,510
2023	\$ 47,187,408	\$ 11,022,189	\$ 10,471,080	\$ 69,161	\$ 143,401,413	\$ 33,496,171	\$ 31,821,362	\$ 210,180	\$ 279,342
2024	\$ 48,603,031	\$ 12,437,811	\$ 11,815,921	\$ 78,044	\$ 147,703,455	\$ 37,798,213	\$ 35,908,302	\$ 237,174	\$ 315,218
2025	\$ 50,061,121	\$ 13,895,902	\$ 13,201,107	\$ 87,193	\$ 152,134,559	\$ 42,229,317	\$ 40,117,851	\$ 264,978	\$ 352,172
			TOTAL	\$ 497,432			TOTALS	\$ 1,511,685	\$ 2,009,117
Net Present Value of Total Revenues 2015-2025 (Disc. Rate 2.72%):									\$ 1,634,923

Sources: St. Lucie County Property Appraiser’s District, City of Fort Pierce, authors’ estimates.

Table 6: CRA Revenue Estimates, St. Lucie County Only

Fiscal Year	Proposed North Area				Proposed South Area				Total CRA Revenue
	Taxable Value	Value Margin	Margin To CRA	CRA Revenue	Taxable Value	Value Margin	Margin To CRA	CRA Revenue	
2014	\$ 34,443,066				\$ 102,811,265				
2015	\$ 35,476,358	\$ 1,033,292	\$ 981,627	\$ 2,868	\$ 105,895,603	\$ 3,084,338	\$ 2,930,121	\$ 8,562	\$ 11,431
2016	\$ 36,540,649	\$ 2,097,583	\$ 1,992,704	\$ 5,823	\$ 109,072,471	\$ 6,261,206	\$ 5,948,146	\$ 17,381	\$ 23,204
2017	\$ 37,636,868	\$ 3,193,802	\$ 3,034,112	\$ 8,866	\$ 112,344,645	\$ 9,533,380	\$ 9,056,711	\$ 26,465	\$ 35,331
2018	\$ 38,765,974	\$ 4,322,908	\$ 4,106,763	\$ 12,000	\$ 115,714,985	\$ 12,903,720	\$ 12,258,534	\$ 35,821	\$ 47,821
2019	\$ 39,928,953	\$ 5,485,887	\$ 5,211,593	\$ 15,229	\$ 119,186,434	\$ 16,375,169	\$ 15,556,411	\$ 45,457	\$ 60,686
2020	\$ 41,126,822	\$ 6,683,756	\$ 6,349,568	\$ 18,554	\$ 122,762,027	\$ 19,950,762	\$ 18,953,224	\$ 55,383	\$ 73,937
2021	\$ 42,360,627	\$ 7,917,561	\$ 7,521,683	\$ 21,979	\$ 126,444,888	\$ 23,633,623	\$ 22,451,942	\$ 65,607	\$ 87,586
2022	\$ 43,631,446	\$ 9,188,380	\$ 8,728,961	\$ 25,507	\$ 130,238,235	\$ 27,426,970	\$ 26,055,621	\$ 76,137	\$ 101,644
2023	\$ 44,940,389	\$ 10,497,323	\$ 9,972,457	\$ 29,141	\$ 134,145,382	\$ 31,334,117	\$ 29,767,411	\$ 86,983	\$ 116,124
2024	\$ 46,288,601	\$ 11,845,535	\$ 11,253,258	\$ 32,883	\$ 138,169,743	\$ 35,358,478	\$ 33,590,554	\$ 98,155	\$ 131,038
2025	\$ 47,677,259	\$ 13,234,193	\$ 12,572,483	\$ 36,738	\$ 142,314,835	\$ 39,503,570	\$ 37,528,392	\$ 109,662	\$ 146,400
			TOTAL	\$ 209,588			TOTALS	\$ 625,613	\$ 835,201
Net Present Value of Total Revenues 2015-2025 (Disc. Rate 2.72%):									\$ 679,647

Sources: St. Lucie County Property Appraiser’s District, City of Fort Pierce, authors’ estimates.

Considerations

Task 2 of this research assignment will consider what could be done with the revenues dedicated to the CRA if the City of Fort Pierce decides to accept the proposal for expanding the existing CRA. Our analysis will broadly consider the degree to which the expanded CRA could encourage economic growth and development. Therefore, we offer no conclusions or recommendations at this time. However, we can offer issues for consideration highlighted by the findings of the analysis in this task.

- Proponents of CRAs and other development districts that rely on tax increment financing often say that the subject taxing jurisdiction loses no revenue. However, the leaders of the taxing jurisdiction give up a measure of control over the use of the dedicated tax increment revenues.
- Based on our review of budget records, FPRA has been running budget deficits. Covering these shortfalls could require city leaders to make hard choices regarding services, deferred maintenance, reduced infrastructure investment, and a restricted ability to compete effectively for industrial site locations and other economic development efforts.
- Tax increment financing programs are not indexed for inflation. While 5% of the marginal increase in tax revenues for CRA properties would continue to flow to city general funds, the net effect could still be the city losing ground to operating cost inflation.
- Local property markets have a long way to go to get “back to even.” If our assumption of 3% average property value growth were to prove true, it could take 30 years for the valuations of existing properties to reach their 2007 peak again, without considering inflation.
- While the research team is not aware of any “rule of thumb” regarding an appropriate proportion of local taxable values dedicated to CRA programs, having almost one-third of total taxable values in a CRA is very high.
- The proposed CRA expansion areas seem to cover mostly residential properties. In the research team’s experience, CRA programs designed to promote economic growth and support the expansion of the local tax base are more usually focused on commercial properties.

FPRA Debt Table

Fiscal Year	Original Issue Amount - \$20,000,000			Original Issue Amount - \$20,200,000			Original Issue Amount - \$29,840,000			Original Issue Amount - \$2,935,000			Annual Debt Service Payment
	FPRA Series 2006			FPRA Series 2005			2008 A&B			2010B			
	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total	
2014	575,000.00	790,881.26	1,365,881.26	675,000.00	688,525.00	1,363,525.00	850,000.00	1,566,781.26	2,416,781.26	260,000.00	156,846.40	416,846.40	5,563,033.92
2015	595,000.00	767,881.26	1,362,881.26	700,000.00	654,900.00	1,354,900.00	900,000.00	1,517,118.76	2,417,118.76	275,000.00	142,952.00	417,952.00	5,552,852.02
2016	630,000.00	738,131.26	1,368,131.26	730,000.00	633,400.00	1,363,400.00	950,000.00	1,464,181.26	2,414,181.26	290,000.00	128,256.00	418,256.00	5,563,968.52
2017	650,000.00	711,356.26	1,361,356.26	760,000.00	606,025.00	1,366,025.00	1,015,000.00	1,407,943.76	2,422,943.76	305,000.00	112,758.40	417,758.40	5,568,083.42
2018	680,000.00	685,356.26	1,365,356.26	785,000.00	577,525.00	1,362,525.00	1,065,000.00	1,347,700.02	2,412,700.02	325,000.00	96,459.20	421,459.20	5,562,040.48
2019	705,000.00	658,156.26	1,363,156.26	820,000.00	544,162.50	1,364,162.50	1,075,000.00	1,284,043.76	2,359,043.76	340,000.00	74,091.20	414,091.20	5,500,453.72
2020	735,000.00	629,956.26	1,364,956.26	855,000.00	511,362.50	1,366,362.50	1,135,000.00	1,224,918.76	2,359,918.76	360,000.00	60,921.60	420,921.60	5,512,159.12
2021	765,000.00	600,556.26	1,365,556.26	885,000.00	477,162.20	1,362,162.20	1,195,000.00	1,165,331.26	2,360,331.26	380,000.00	41,683.20	421,683.20	5,509,732.92
2022	800,000.00	569,000.00	1,369,000.00	920,000.00	441,762.50	1,361,762.50	1,260,000.00	1,101,100.00	2,361,100.00	400,000.00	21,376.00	421,376.00	5,513,238.50
2023	835,000.00	529,000.00	1,364,000.00	960,000.00	404,962.50	1,364,962.50	1,335,000.00	1,028,650.00	2,363,650.00				5,092,612.50
2024	875,000.00	487,250.00	1,362,250.00	1,000,000.00	366,562.50	1,366,562.50	1,410,000.00	951,887.50	2,361,887.50				5,090,700.00
2025	925,000.00	443,500.00	1,368,500.00	1,045,000.00	316,562.50	1,361,562.50	1,490,000.00	870,812.50	2,360,812.50				5,090,875.00
2026	970,000.00	397,250.00	1,367,250.00	1,100,000.00	264,312.50	1,364,312.50	1,575,000.00	785,137.50	2,360,137.50				5,091,700.00
2027	1,015,000.00	348,750.00	1,363,750.00	1,155,000.00	209,312.50	1,364,312.50	1,670,000.00	692,606.26	2,362,606.26				5,090,668.76
2028	1,065,000.00	298,000.00	1,363,000.00	1,205,000.00	160,225.00	1,365,225.00	1,765,000.00	594,493.76	2,359,493.76				5,087,718.76
2029	1,120,000.00	244,750.00	1,364,750.00	1,255,000.00	109,012.50	1,364,012.50	1,870,000.00	490,800.00	2,360,800.00				5,089,562.50
2030	1,175,000.00	188,750.00	1,363,750.00	1,310,000.00	55,675.00	1,365,675.00	1,985,000.00	378,600.00	2,363,600.00				5,093,025.00
2031	2,600,000.00	130,000.00	2,730,000.00				2,100,000.00	259,500.00	2,359,500.00				5,089,500.00
2032							2,225,000.00	133,500.00	2,358,500.00				2,358,500.00