



## **AGENDA ITEM COVER PAGE**

**File ID: #8897**

**Ordinance**

**Second Reading**

**Sponsored by: Ken Russell, Commissioner**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 22.5/ARTICLE VII OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED "GREEN INITIATIVES/FLORIDA-FRIENDLY FERTILIZER USE ON URBAN LANDSCAPES," TO REQUIRE FLORIDA-FRIENDLY LANDSCAPE PRACTICES; TO PROVIDE FOR COMPLIANCE WITH STATE OF FLORIDA LAWS; TO PROVIDE FOR COMPLIANCE WITH MIAMI-DADE COUNTY LAWS; TO PROVIDE FOR DEFINITIONS; AND TO PROVIDE FOR OTHER GENERAL REQUIREMENTS CONTAINED IN THE ORDINANCE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.



# City of Miami

## Legislation

### Ordinance

**File Number: 8897**

**Final Action Date:**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 22.5/ARTICLE VII OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED "GREEN INITIATIVES/FLORIDA-FRIENDLY FERTILIZER USE ON URBAN LANDSCAPES," TO REQUIRE FLORIDA-FRIENDLY LANDSCAPE PRACTICES; TO PROVIDE FOR COMPLIANCE WITH STATE OF FLORIDA LAWS; TO PROVIDE FOR COMPLIANCE WITH MIAMI-DADE COUNTY LAWS; TO PROVIDE FOR DEFINITIONS; AND TO PROVIDE FOR OTHER GENERAL REQUIREMENTS CONTAINED IN THE ORDINANCE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, excess nutrients, such as nitrogen and phosphorus, that come in most fertilizers can pollute waterways and cause environmental problems such as algae blooms; and

WHEREAS, algae blooms kill wildlife, are harmful to humans, and smother seagrass; and

WHEREAS, the City Commission has determined that the use of fertilizers on lands within the City of Miami ("City") contributes to the adverse effects on surface and/or ground waters because of the impairment to the City's surface waters caused by excessive nutrients or increasing levels of nitrogen in the surface and/or ground waters within the aquifers or springs within the boundaries of the City; and

WHEREAS, in April 2020, the City Commission adopted an Ordinance titled "Florida-Friendly Landscaping and Fertilizer Use"; and

WHEREAS, the City's standards must also comply with Miami-Dade County's ("County") standards; and

WHEREAS, the County's ordinance regarding fertilizers is stricter than the City's ordinance in certain respects, as the County establishes an annual period between May 15 and October 31 during which fertilizer applications generally would be prohibited and requires larger fertilizer-free zones next to bodies of water; and

WHEREAS, the County ordinance provides for certain tailored exceptions related to limited uses such as vegetable and community gardens, athletic fields, golf courses, and parks with separate criteria under certain circumstances, which are designed to reduce the need for fertilization at such locations and to provide greater awareness of fertilizer needs and usage through robust testing and reporting requirements; and

WHEREAS, pursuant to Section 403.0885, Florida Statutes, and rules promulgated thereunder, the City's National Pollutant Discharge Elimination System ("NPDES") permit FLS000002-004 authorizes the City to discharge stormwater to waters of the State of Florida in accordance with the approved stormwater management program ("Program"), effluent limitation, and monitoring; and

WHEREAS, part of the Program is compliance with pollution prevention measures, treatment or removal techniques, stormwater monitoring, use of legal authority, and other appropriate means to control the quality of permitted stormwater discharge; and

WHEREAS, one (1) of the seven (7) activities in the Program mandates the reduction of pesticides, herbicides, and fertilizer applications pursuant to Section 403.9337, Florida Statutes, where all local governments are encouraged to adopt a Florida Friendly Landscaping Ordinance within 24 months of the date of the NPDES permit (November 18, 2016); and

WHEREAS, the required activities and reporting requirements are detailed in Part III. A. 6 of the NPDES permit and are submitted in each annual report to the Florida Department of Environmental Protection ("F.D.E.P."); and

WHEREAS, pursuant to Section 403.9337, Florida Statutes, each 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 F.D.E.P.'s Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and finding contained in the Preamble to this Ordinance are adopted by reference and incorporated herein as if fully set forth in this Section.

Section 2. Chapter 22.5 of the Code of the City of Miami, Florida, as amended, is hereby further amended as follows:<sup>1</sup>

#### "CHAPTER 22.5

#### GREEN INITIATIVES

\* \* \*

#### ARTICLE VII. FLORIDA-FRIENDLY FERTILIZER USE ON URBAN LANDSCAPES

\* \* \*

#### Sec. 22.5-130. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly indicates otherwise.

*Application* [or] *apply*, or variants thereof 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.

*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

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<sup>1</sup> Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

considerations, for improving water quality, conserving water supplies, and protecting natural resources.

*Commercial fertilizer applicator* or *commercial applicator* means any person who applies fertilizer on turf and/or landscape plants in the city in exchange for money, goods, services, or other valuable consideration.

*Department* means the Miami-Dade County Division of Environmental Resources Management.

*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 except pesticide/fertilizer mixtures such as "weed and feed" products that contains one or more recognized plant nutrients and promotes plant growth, controls soil acidity or alkalinity, provides other soil enrichment, or provides other corrective measures to the soil.~~ *Fertilizer* means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, controls soil acidity or alkalinity, provides other soil enrichment, or provides other corrective measures to the soil.

*Green Infrastructure* means a management approach engineered-as-natural ecosystems such as green roofs, porous pavement, swales, and rain gardens that largely rely on using soil and vegetation to infiltrate, evapotranspire, or harvest stormwater runoff and reduce flows to drainage collection systems. This practice aims to preserve, restore, and create green space using soils, vegetation, and rainwater harvest techniques.

*High-Impact Areas in Public Parks* means turf grass areas that are heavily utilized by pedestrian traffic year-round. High-Impact Areas in Public Parks within the City will be identified by the Director of the Parks and Recreation Department or successor department.

*Institutional applicator* means any person other than a non-commercial or 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 and managers 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 Impact Development ("LID")* means the systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat. LID is an approach to land development or redevelopment that works with nature to manage stormwater as close to its source as possible.

*Low maintenance zone* means an area a minimum of ten feet wide adjacent to watercourses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

*Pasture* means land used for livestock grazing that is managed to provide feed value.

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

*Prohibited application period* means the time period during which a flood watch or warning, 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.~~ if rain greater than or equal to two (2) inches in a 24-hour period is forecasted, or if heavy rain is likely.

*Restricted application period* means ~~June 1 through September 30.~~ May 15 through October 31.

*Saturated Soil* means soil in which the voids are filled with water. Saturated Soil does not require flow. For the purposes of this Chapter, Saturated Soil includes standing water present or if the pressure of a person standing on the soil causes the release of free water.

*Specialized Turf* means areas of grass used for golf courses, athletic fields, high impact areas, and other similar activities.

*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.

#### Sec. 22.5-132. Applicability.

This article 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 article from the regulatory provisions of this article or an existing contract in effect at the time this article passes which provides other regulatory provisions that shall govern only until such existing contract terminates, expires, or is amended or during any declared state of emergency pursuant to chapter 45 of the City Code. This article shall be prospective only and shall not impair any existing contracts.

#### Sec. 22.5-133. Time of fertilizer application.

- (a) 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. In addition, fertilizer containing nitrogen or phosphorus shall not be applied to turf or landscape plants during the restricted application period, ~~which is defined as June 1 to September 30.~~
- (b) Fertilizer containing nitrogen or phosphorus shall only be applied to actively growing turf. Fertilizer containing nitrogen or phosphorus shall not be Applied to Turf that is dead.
- (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~~ 60 days after seeding or sodding except when hydroseeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.) or in accordance with the stormwater pollution prevention plan for that site.

#### Sec. 22.5-134. Fertilizer free zones.

Fertilizer shall not be applied within ~~45~~ 20 feet from the top of the bank of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection ("FDEP"), currently codified in Fla. Admin. Code 62-340, ~~or from the top of a seawall, or Biscayne Bay.~~ If more stringent 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 60-day period

beginning 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.

Sec. 22.5-135. Low maintenance zones.

A voluntary ten-foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland, Biscayne Bay, 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 County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material should be deposited or left remaining in the low maintenance zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in the low maintenance zone. Care must be taken to ensure erosion of the surface soil does not occur. Excessive erosion may result in additional pollution hazard.

Sec. 22.5-136. Fertilizer content and application rates.

- (a) Fertilizers applied to turf and/or landscape plants within the city shall be applied to turf and/or landscape plants at the lowest recommended rate according to the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, December 2008", as updated, with no more than four (4) pounds of nitrogen per 1,000 square feet applied in any calendar year.
- (b) Liquid fertilizers containing nitrogen applied to turf and/or landscape plants within the city shall not be applied at a rate that exceeds 0.5 pounds per 1,000 square feet per application.
- (c) Solid fertilizers containing nitrogen applied to turf and/or landscape plants within the City shall not be applied at a rate that exceeds one (1) pound per one thousand (1,000) square feet per application.
- (~~e~~d) Granular fertilizers containing nitrogen applied to turf and/or landscape plants within the city shall contain at least 50 percent slow release, controlled release, timed release, slowly available, or water insoluble nitrogen per guaranteed analysis label. Caution should be used to prevent direct deposition of nutrients in the water.
- (~~d~~e) No fertilizer containing phosphorus shall be applied to turf and/or landscape plants within the city, except where a phosphorus deficiency has been demonstrated in the soil underlying the turf and/or landscape plants by a soil analysis test performed by a State of Florida certified laboratory. Any person who obtains a soil analysis test showing a phosphorus deficiency and who wishes to apply phosphorus to turf and/or landscape plants shall provide a copy of the test results to the city prior to the application of phosphorus. Phosphorus shall not be applied in excess of the amount needed to correct the deficiency as indicated by said test results. Where a deficiency has been verified, phosphorus fertilizer shall not be applied at application rates that exceed 0.25 lbs of phosphorus per 1,000 square feet per application and not to exceed 0.50 lbs. of phosphorus per 1,000 square feet per year.
- (~~e~~f) 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, as amended from time to time, which is hereby adopted and incorporated by reference into this article.
  - (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 FDEP dated October 2012. This does not exempt applicators at these sites from the required basic green industry BMP training.

Sec. 22.5-137. 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.

Sec. 22.5-138. Management of grass clippings and vegetative matter.

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

Sec. 22.5-139. Exemptions.

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

- (4a) Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14, provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question, if applicable in the city.
- (2b) Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question, if applicable in the city.
- (3c) Fruit trees and shrubs provided that fertilizer application rates do not exceed University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) recommendations.
- (4d) Vegetable gardens, owned by individual property owners or a community, provided that fertilizer application rates do not exceed UF/IFAS recommendations per SP 103 Florida Vegetable Gardening Guide, December 2008, as amended.
- (5e) 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.
- (6f) Tree trunk injection fertilization treatments that are performed by a certified arborist.
- ~~(7) Golf courses. For all golf courses, the provisions of the Florida Department of Environmental Protection document, titled "BMPs for the Enhancement of Environmental Quality on Florida Golf Courses, January 2007", as amended, are required and shall be followed when applying fertilizer to golf courses.~~
- ~~(8) Specialized turf managers are required to follow the provisions of the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, December 2008", as amended, for turf and landscape plants.~~

Sec. 22.5-140. Requirements Related to Golf Courses, Athletic Fields, Specialized Turf, and Parks.

- (a) New and Renovated Golf Courses. All new golf courses, all existing golf courses where more than fifty percent (50%) of the total golf course turf has been renovated or redesigned after January 1, 2022, and all portions of golf course turf which are renovated or redesigned after January 1, 2022 shall meet all of the following requirements. These requirements shall apply to both public and private golf courses.

- (1) Best management practices are encouraged to be incorporated as provided in "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses" published by the Florida Department of Environmental Protection, as may be amended.

- (2) Golf courses shall submit design plans to the Department that minimize areas that require golf course turf and maximize the use of (i) native trees, shrubs, or groundcover landscaping; (ii) Florida-friendly trees, shrubs, or groundcover landscaping; or (iii) wetlands or other stormwater retention areas.
- (3) A certified turfgrass species such as Bermuda, Paspalum, St. Augustine, Zoysia, or other certified turfgrass species in consultation with the Director that requires a comparably low amount of fertilization and water consumption shall be used for all golf course turf areas.
- (4) Green infrastructure elements or LID design shall be incorporated into the design of the golf course's drainage system and in allowing ample, uncompacted areas for tree root growth.
- (5) Fertilizer shall not be applied within twenty (20) feet of any of the following, which area shall be referred to as a "Fertilizer-Free Zone":
  - (i) from the top of the bank of any pond, stream, watercourse, lake, surface waterbody, stormwater drain, or canal;
  - (ii) any wetland as defined in Chapter 62-340 of the Florida Administrative Code;
  - (iii) from the top of a seawall; or
  - (iv) Biscayne Bay.
- (b) *New and Renovated Athletic Fields.* All new athletic fields and all existing athletic fields where more than fifty percent (50%) of the total athletic field has been renovated or redesigned after January 1, 2022 shall meet all the following requirements:
  - (1) Best management practices shall be incorporated for landscaping through the use of native and Florida-friendly trees, shrubs, and ground cover landscaping.
  - (2) Green infrastructure elements or LID design shall be incorporated into the design of the athletic field's drainage system and in allowing ample, uncompacted areas for tree root growth.
  - (3) Fertilizer shall not be applied within twenty (20) feet of any of the following, which area shall be referred to as a "Fertilizer-Free Zone":
    - (i) from the top of the bank of any pond, stream, watercourse, lake, surface waterbody, stormwater drain, or canal;
    - (ii) any wetland as defined in Chapter 62-340 of the Florida Administrative Code;
    - (iii) from the top of a seawall; or
    - (iv) Biscayne Bay.
- (c) *Renovated Parks.* All existing parks where more than fifty percent (50%) of the total park has been renovated or redesigned after January 1, 2022 shall meet all the following requirements:
  - (1) Best management practices for landscaping shall be incorporated through the use of native and Florida-friendly trees, shrubs, and ground cover landscaping.
  - (2) Green infrastructure elements or LID design shall be incorporated into the design of the park's drainage system and in allowing ample, uncompacted areas for tree root growth.



- (3) Fertilizer shall not be applied within twenty (20) feet of any of the following, which area shall be referred to as a "Fertilizer-Free Zone":
- (i) from the top of the bank of any pond, stream, watercourse, lake, surface waterbody, stormwater drain, or canal;
  - (ii) any wetland as defined in Chapter 62-340 of the Florida Administrative Code;
  - (iii) from the top of a seawall; or
  - (iv) Biscayne Bay.
- (d) *Fertilizer Management Plan for Renovations.* All renovations to any golf course, athletic field, or park shall require preparation of a management plan with fertilization strategies, chemical-mixes, and distribution/utilization regimes to reduce nitrogen and phosphorus-related nutrient load and said management plan shall be provided to the Department upon request. Said management plans may be modified, with notice to the Department, and modified management plans shall be provided to the Department upon request.
- (e) Fertilizers applied to parks and athletic fields shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(3)(b), Florida Administrative Code, as may be amended.
- (f) Fertilizers applied to turf and landscape plants shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(4), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers, as may be amended.
- (g) 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 SL 191 "Recommendations for N, P, K, and Mg for Golf Course and Athletic Field Fertilization Based on Mehlich III Extractant," dated March 2007, as may be amended; and
  - (2) Have directions for use in accordance with the recommendations in "BMPs for the Enhancement of Environmental Quality of Florida Golf Courses" published by the Florida Department of Environmental Protection, dated October 2012. This does not exempt applicators at these sites from the required basic Green Industry BMP training.
- (h) *Soil Tests and Records.* All public and private golf courses, public athletic fields, public parks with Specialized Turf, and High-Impact Areas in Public Parks shall administer a nutrient soil test at least once every six (6) months and shall maintain records of monthly fertilizer usage. For the required nutrient soil tests, golf courses shall test at least three (3) greens and three (3) fairways and if a golf course abuts or is intersected by a water body, at least one (1) test shall be from the area abutting or intersected by the water body. Nutrient soil test results and monthly fertilizer-use for the preceding twelve (12) month period shall be provided to the Director upon request.
- (i) *Quarterly Reports for Golf Courses.* Beginning on January 1, 2022, all public and private golf courses are required to submit quarterly reports to the Department in a form approved by the Director, which shall address fertilizer usage, low-maintenance landscaping, compliance with the requirements of this Chapter, fertilizer-related training, actions taken to voluntarily reduce fertilizer usage beyond the requirements of this Chapter, and incidents such as algae blooms or fish kills.

- (j) All public and private golf courses are encouraged to follow the provisions of the Florida Department of Environmental Protection document titled "BMPs for the Enhancement of Environmental Quality on Florida Golf Courses, January 2012," as may be amended.
- (k) High impact areas in public parks and athletic fields are encouraged to follow the provisions of the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, December 2008," as may be amended.
- (l) Waivers. The City may approve limited waivers of the requirements set forth in this Section in accordance with all of the following:
  - (1) The request is submitted in writing
  - (2) The request details the project's design, details, and what unnecessary hardship or practical difficulty the applicant would incur from compliance with the requirements.
  - (3) The City determines that the applicant made a good faith effort to achieve substantial compliance with the applicable requirements and that the applicant would incur an unnecessary hardship or practical difficulty from compliance with the requirements.

Sec. 22.5-1401. 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 FDEP through the University of Florida Extension "Florida-Friendly Landscapes" program.
- (b) Private, non-commercial applicators are required to follow the recommendations of the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Florida Yards and Neighborhoods program when applying fertilizers.

Sec. 22.5-1442. Licensing of commercial applicators.

- (a) All commercial applicators of fertilizer within the city 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 FDEP through the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) "Florida-Friendly Landscapes" program prior to obtaining a city local business tax receipt ("BTR") 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 department of code compliance when applying for the BTR within 180 days of the effective date of this article.
- (b) All businesses of any category of occupation who may apply 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 an appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a BTR.

Sec. 22.5-1423. Enforcement.

Funds generated by penalties imposed under this article shall be used by the city for the administration and enforcement of F.S. § 403.9337, and the corresponding sections of this article and to further water conservation and nonpoint pollution prevention activities.

Sec. 22.5-1434. Penalties.

A violation of any provision of this article shall be punishable by a fine of \$250.00 for a first offense and \$500.00 for each offense thereafter and shall be enforced pursuant to the provisions of chapter 2, article X of the City Code. The city, including its departments, boards, and agencies, may take any and all appropriate action to enforce the provisions of this article,

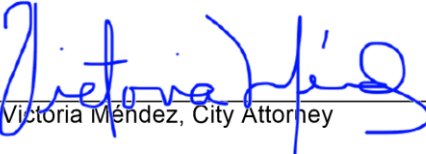
including but not limited to code enforcement action pursuant to chapter 2, article X of the City Code, emergency injunctive action, and any other action permitted by law, including but not limited to F.S. ch. 162. The use of one remedy shall not preclude the use of another.

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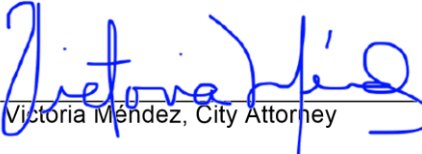
Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective ten (10) days after adoption thereof.<sup>2</sup>

APPROVED AS TO FORM AND CORRECTNESS:

  
Victoria Méndez, City Attorney

4/13/2021

  
Victoria Méndez, City Attorney

5/18/2021

<sup>2</sup> This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.



## **AGENDA ITEM COVER PAGE**

**File ID: #8867**

**Ordinance**

**Second Reading**

**Sponsored by: Manolo Reyes, Commissioner**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 18/ARTICLE III/SECTION 18-87 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "FINANCE/CITY OF MIAMI PROCUREMENT ORDINANCE/PROFESSIONAL SERVICES AS DEFINED IN F.S. § 287.055, AS AMENDED FROM TIME TO TIME; AWARD OF CERTAIN PROFESSIONAL AGREEMENTS NOT EXCEEDING \$500,000.00 BY THE CITY MANAGER", TO PROVIDE A CONSULTANT QUALIFICATION PROCESS, A CONSULTANT WORK PERFORMANCE EVALUATION SYSTEM, INCLUDING THE REQUIREMENTS, TERMS, AND CONDITIONS OF SUCH A SYSTEM, PROCEDURES TO ADDRESS NONCOMPLIANCE, AND THE UPDATING OF CERTAIN TERMINOLOGY THEREIN; FURTHER AMENDING SECTION 18-89 OF THE CITY CODE, TITLED "CONTRACTS FOR PUBLIC WORKS OR IMPROVEMENTS", TO PROVIDE A CONTRACTOR WORK PERFORMANCE EVALUATION SYSTEM, INCLUDING THE REQUIREMENTS, TERMS, AND CONDITIONS OF SUCH A SYSTEM, PROCEDURES TO ADDRESS NONCOMPLIANCE, AND THE UPDATING OF CERTAIN TERMINOLOGY THEREIN; FURTHER TO ESTABLISH A NEW SECTION 18-123 OF THE CITY CODE, TITLED "QUALITY CONTROL PLAN FOR CONSULTANTS AND CONTRACTORS"; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.