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Lee County's Landscape & Fertilizer Best Management Practices Ordinance

(Ordinance 08-08)

Updated May 13, 2009

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Background - Lee County has experienced a general decline in the quality of its surface water. An example of this decline has been exhibited in the Caloosahatchee resulting in harmful algal blooms, fish kills, and negative impacts to human health and our economy.

Declining water quality is due to increasing nutrient pollution from various sources including fertilizer, septic tank & package plant failure, atmospheric and road runoff deposition from cars, and improper disposal of yard & other wastes to name a few.



The result of nutrient pollution is most often algal blooms. Algae responds proportionally to the amount of nutrients in a waterbody and one of the direct sources of nutrients is stormwater runoff carrying excess fertilizer. Thus, the restricted application of nutrients with the proper utilization of fertilizer is one method of addressing nutrient pollution.

The Caloosahatchee and many of its tributaries are verified impaired for nutrients by FDEP and are scheduled for Total Maximum Daily Load (TMDL) development in 2008-2009. Local governments such as Lee County are required to restore waterbodies under State and Federal regulatory enforcement resulting from this State legal action.

In December of 2006, the Lee County Board of County Commissioners directed staff to develop an ordinance to regulate the unrestricted application of nutrient sources such as fertilizer. The reasoning behind this effort is due to the tremendous local impact of algal blooms on both the local economy and local aquatic resources as well as studies in other areas of Florida that have illustrated



the contribution of residential fertilizer application as non-point source pollution.

Over the last year, Lee County's Division of Natural Resources has been developing a Landscape and Fertilizer Best Management Practices Ordinance. In cooperation with the University of Florida IFAS/FYN programs, members of industry and the environmental community as well as private citizens a draft has been put before the Lee County Board of County Commissioners for consideration.

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Summary of Landscape & Fertilizer Best Management Practices Ordinance (Ord 08-08) Basics

All landscape companies must be registered with Lee County.

There must be at least one professional on site at all times who is Florida Green Industries Institute trained and certified while fertilizer is being applied.

Fertilizers containing N & P shall not be applied June 1-September 30.

Exemptions: Golf courses provided that they are following the Florida Golf Course Best Management Practices and agriculture covered under the FL Right to Farm Act or livestock operations not covered under FRFA both utilizing FDACS BMPs.

Phosphorus content; 0.25 lbs. P₂O₅/1000 ft² per application nor exceed 0.50 lbs. P₂O₅/1000 ft² per year.

Nitrogen content; no less than 50% slow release nitrogen is required. No more than 4 lbs of nitrogen per 1000 ft² in any calendar year.

Fertilizer shall not be applied to any water body or impervious surface.

A spreader deflector is required to be used near all waterbodies/wetlands and impervious surfaces.

Mandatory 10 foot no fertilizer buffer zone near all waterbodies and wetlands measured from top of bank.

Homeowners are encouraged to follow the practices outlined and referenced in the ordinance and to seek education with the Lee County Florida Yards and Neighborhoods Landscape Program, however education is not currently mandatory.

Lee County has a one (1) year grace period before the ordinance goes into effect however violations will still be subject to a warning.

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News, Updates & FAQs

Professionals

- [Frequently Asked Questions for Professionals](#)
- Lee County sent out postcard notices to all professional landscape service providers including property management companies during the week of March 16-20. For the **Florida Green Industries BMP Course schedule, please contact the Lee County IFAS Extension Office at 239-533-7503**, if you are a professional landscape provider and not yet certified. [To view the class schedule click here!](#) If there are no class spaces available we can put you on a wait list to be registered as soon as more classes are available or you can contact Renee Wilson at Project Greenscape in Naples (239-417-6310 x231 or renee.wilson@dep.state.fl.us). The class schedule for Project Greenscape is available at <http://www.rookerybay.org/CTP-BMP.html>. Courses are available in English and Spanish.
- **Registration for Decals with the Lee County Tax Collector.** This website will be updated again soon so please check back in! Decals are available at all Lee County Tax Collector's offices as of May 1, 2009. Decal renewals will be handled on the same schedule as the Lee County business tax receipt. A prorated fee of \$25.00 per company will be due with the application for May 2009 to October 2009. In order to receive decal renewals you must apply with the Tax Collector's office to change your business tax category to "professional" if you are not already in that category. This is a one-time task. The annual renewal notice and \$45 fee will be added to your normal business tax receipt from the Lee County Tax Collector starting October 2009. All company trucks or trailers must display decals in plain sight. The registration fee includes the first two decals and each additional decal is \$5.00 each. Contact the Lee County Tax Collector for more information on obtaining decals at 239-533-6000 or <http://www.leetc.com/home.asp>.

Homeowners

- [Frequently Asked Questions for Homeowners](#)
- The Lee County Public Education Campaign for homeowners is currently under way. The new campaign was released at the Earth Day celebration at Koreshan State Park in Estero, Saturday April 25, 2009. Homeowners wishing to obtain landscape and fertilization education can contact Tom Becker at Lee County Extension Services at 239-533-7515 or tbecker@leegov.com. [Florida Yards & Neighborhoods](#) has class offerings and publications for homeowner fertilizer and landscape best management practices.
- On May 13, 2008 the Lee County Board of County Commissioners adopted the Lee County Landscape and Fertilizer Best Management Practices Ordinance (Ord 08-08). The ordinance will

become effective on May 13, 2009. [Click here to download a copy of the final ordinance.](#)

State News

- The latest development in the 2009 Florida Legislature is a proposed Senate Bill by Sen. Bennett and Sen; [SB0494](#). Baker that, if passed, will revise requirements for automatic irrigation systems and add a provision to encourage adoption of local fertilizer ordinances that adheres to Florida Friendly landscape principles.
- Fertilizer application has gained state and national attention. The State of Florida assembled a task force to develop recommendations for public education, research and regulation programs to address this issue. For more information on the Task Force recommendations to the legislature this past session please visit the [Florida Fertilizer Task Force website](#).

Contact Us...

For questions about [enforcement of the ordinance](#) and registration please contact Karen Bickford, Lee County Division of Natural Resources at 239-533-8706 or kbickford@leegov.com.

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