

Via Electronic Mail

May 17, 2023

The Honorable Ron DeSantis
Governor of Florida
The Capitol
Tallahassee, FL 32399-0001

Re: Veto Request of Line Item 146, General Appropriations Act and Associated Implementing Language

We write to respectfully request that you veto the \$250,000 allocated to the Institute for Food and Agricultural Science for a fertilizer study and its associated implementing bill language (Section 85 of SB 2502). The legislature made an 11th hour addition to the implementing bill that prohibits local governments from adopting or amending urban turf fertilizer ordinances that include any seasonal ban on urban fertilizer use. The implementing bill language is tied to Line item 146 in the state budget, which, among other things provides \$250,000 to the UF Institute for Food and Agricultural Science (IFAS) to conduct a 6-month study on the efficacy of seasonal fertilizer bans toward meeting water quality goals.

Lack of Transparency and Public Input on Substantive Policy Changes

The implementing bill language relating to local fertilizer ordinances is directly at odds with existing science and Governor DeSantis' Executive Order #23-06 regarding protection of water quality. The language was added at a final budget conference meeting without public input or the benefit of any legislative committee consideration. This lack of transparency -- at the behest of fertilizer interests -- sets a dangerous precedent for a state that prides itself on open government and public access to decisionmakers. The fertilizer prohibition language should have been vetted fully in the appropriate legislative committees during the regular legislative session so that legislators, stakeholders, and members of the public could participate and be informed.

Fertilizer Study Should be Conducted by Water Quality Experts

IFAS is named to receive \$250,000 in funding for this study. The Florida Department of Environmental Protection (DEP) is the state agency charged with implementing the Total Maximum Daily Load Program and state water quality standards. In contrast, IFAS's stated objective is "to produce the greenest, healthiest lawn turf." Water quality protection is not its primary mission. We respectfully request that you consider the potential bias of this purported "IFAS" study and whether it is even a prudent expenditure of public funds. The effectiveness of seasonal fertilizer restrictions is already well established by other studies. In the interest of brevity, see a recent study on the impacts of residential fertilizer ordinances on Florida lacustrine water quality from the Department of Soil, Water, and Ecosystem Sciences at the University of Florida.¹ The IFAS study language is merely cover for the fertilizer industry's larger objective, which is to eliminate barriers to unfettered fertilizer use regardless of the consequences.

The implementing bill language associated with this study effectively eliminates a proven cost-effective way to reduce nutrient pollution. Urban fertilizer runoff into stormwater is a major contributor of nitrogen and phosphorus into our waterways. As noted in one recent veto request letter, "[n]o one, including UF/IFAS, which spent millions of state dollars studying [this issue] between 2005-2011, has ever determined that avoiding fertilizer application before Florida's heavy summer downpours is anything but the cheapest, easiest, and best way to stop urban stormwater pollution at its source." While the prohibition on new or revised local government

¹ Smidt, S.J., Aviles, D., Belshe, E.F. and Reisinger, A.J. (2022), Impacts of residential fertilizer ordinances on Florida lacustrine water quality. *Limnol. Oceanogr. Lett.*, 7: 475-482. <https://doi.org/10.1002/lol2.10279>

ordinances is effective for only one year, it will put Florida even further behind in improving water quality – just as we head into the summer tourism season with the looming threat of harmful algal blooms and red tide.

If you determine that a veto is inadvisable, we urge you direct that DEP lead the design and review of this IFAS study, in collaboration with IFAS. DEP will ensure the study helps further, rather than impede, its overall strategy for implementing the Water Quality Restoration Program. We anticipate the fertilizer industry will pursue efforts in future legislative sessions to effectively eliminate fertilizer use restrictions and our associations wish to ensure that legislators have all the unbiased information they will need to consider the issue responsibly.

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Sincerely,

Danielle Hopkins
Executive Director
Florida Stormwater Association

Rebecca O’Hara
Deputy General Counsel
Florida League of Cities

Beth Alvi
Senior Director of Policy
Audubon Florida

cc: Paul Renner, Speaker of the House
Kathleen Passidomo, Senate President
Thomas J. Leek, House Appropriations Chair
Doug Broxson, Senate Appropriations Chair

¹Smidt, S.J., Aviles, D., Belshe, E.F. and Reisinger, A.J. (2022), Impacts of residential fertilizer ordinances on Florida lacustrine water quality. *Limnol. Oceanogr. Lett.*, 7: 475-482. <https://doi.org/10.1002/lol2.10279>