

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Sustainability and Resiliency Committee

FROM: Jimmy L. Morales, City Manager

DATE: May 20, 2019

SUBJECT: **DISCUSSION REGARDING THE USE OF PESTICIDES, HERBICIDES, AND FERTILIZERS ON BOTH PUBLIC AND PRIVATE PROPERTIES**

### **BACKGROUND**

On February 27, 2019, the Sustainability and Resiliency Committee (SRC) held a discussion, co-sponsored by Commissioner Mark Samuelian and Commissioner Joy Malakoff, regarding the future neighborhood improvement project in the Lakeview neighborhood. Among other subjects, the discussion initiated a conversation regarding the use of pesticides, herbicides, and fertilizers and their potential to degrade surface water quality.

At the April 23 SRC meeting, staff presented an overview of existing city policies and landscape maintenance strategies, including a ban of herbicides containing glyphosate on public properties, that reduce the impacts of pesticides, herbicides and fertilizers on our waterways. Staff also presented four opportunities on private property to build on these existing efforts, including the following two initiatives which were passed unanimously by the Committee:

1. Expanding the #KeepMBClean campaign to include water quality, and
2. Requiring all licensed landscape maintenance professionals that operate in Miami Beach to attend an annual training.

Two additional opportunities that were tabled for discussion, pending information of what has been passed in other municipalities, include policy changes to ban or restrict the use of pesticides, herbicides, and fertilizers.

The State of Florida, under Florida Statute 482.242(1), preempts municipalities from enacting or enforcing an ordinance that regulates pest control. The Statute defines pest control as any "insect, rodent, nematode, fungus, or weed." As such, Florida municipalities, including the City of Miami, the City of Stuart, and the City of North Miami, have focused on willingly limiting or eliminating pesticide and herbicide use on public property, as Miami Beach has already done. No cities in Florida have passed bans of pesticides or herbicides on private property at this time.

Because fertilizers are not included in the preemption, there are several county and city governments in Florida that have enacted fertilizer bans. Manatee County, Pinellas County, Lee County, Martin County and the cities of Melbourne and Cape Coral are examples of communities that have enacted a blackout period for fertilizer use during the rainy season (June 1<sup>st</sup> through September 30<sup>th</sup>). The City of Boca Raton also passed an ordinance limiting fertilizer use. However, instead of banning it for the duration of rainy season, their ordinance dictates the type, amount, timing, and locations of allowed fertilizer use. For example, it restricts fertilizer application when two or more inches of rain are forecast in 24 hours.

## **CONCLUSION**

The following is presented to the members of the Sustainability and Resiliency Committee for further discussion and direction. If the Committee is interested in passing a ban, staff recommends asking the City Attorney's Office to review the fertilizer bans passed by other Florida communities and drafting an ordinance for Miami Beach that best suits our needs.

SMT/ESW/MKW