

By Senator Brown-Waite

10-93-01

1 A bill to be entitled
2 An act relating to Xeriscape; amending ss.
3 125.568, 166.048, 255.259, 335.167, 373.185,
4 F.S.; prohibiting certain restrictions on the
5 practice of Xeriscape; providing an effective
6 date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (3) is added to section 125.568,
11 Florida Statutes, to read:

12 125.568 Conservation of water; Xeriscape.--
13 (3) A deed restriction, covenant, or local government
14 ordinance may not prohibit any property owner from
15 implementing Xeriscape on at least one-half of his or her
16 land.

17 Section 2. Subsection (3) is added to section 166.048,
18 Florida Statutes, to read:

19 166.048 Conservation of water; Xeriscape.--
20 (3) A deed restriction, covenant, or local government
21 ordinance may not prohibit any property owner from
22 implementing Xeriscape on at least one-half of his or her
23 land.

24 Section 3. Subsection (4) is added to section 255.259,
25 Florida Statutes, to read:

26 255.259 Xeriscape landscaping on public property.--
27 (4) A deed restriction, covenant, or local government
28 ordinance may not prohibit any property owner from
29 implementing Xeriscape on at least one-half of his or her
30 land.

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1 Section 4. Section 335.167, Florida Statutes, is
2 amended to read:

3 335.167 State highway construction and maintenance;
4 Xeriscape landscaping in rights-of-way.--

5 (1) The department shall use and require the use of
6 Xeriscape practices in the construction and maintenance of all
7 new state highways, wayside parks, access roads, welcome
8 stations, and other state highway rights-of-way constructed
9 upon or acquired after June 30, 1992. The department shall
10 develop a 5-year program for phasing in the use of Xeriscape,
11 including the use of solid waste compost, in state highway
12 rights-of-way constructed upon or acquired before July 1,
13 1992. In accomplishing these tasks, the department shall
14 employ the guidelines set out in s. 373.185(2)(a)-(f).

15 (2) A deed restriction, covenant, or local government
16 ordinance may not prohibit any property owner from
17 implementing Xeriscape on at least one-half of his or her
18 land.

19 Section 5. Subsection (3) is added to section 373.185,
20 Florida Statutes, to read:

21 373.185 Local Xeriscape ordinances.--

22 (3) A deed restriction, covenant, or local government
23 ordinance may not prohibit any property owner from
24 implementing Xeriscape on at least one-half of his or her
25 land.

26 Section 6. This act shall take effect October 1, 2001.
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29 SENATE SUMMARY

30 Prohibits certain restrictions on the practice of
31 Xeriscape through deed restrictions, covenants, and local
ordinances.