

By the Committee on Natural Resources and Senator Brown-Waite

312-1232A-01

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A bill to be entitled
An act relating to Xeriscape; amending ss.
125.568, 166.048, 255.259, 335.167, 373.185,
F.S.; redefining the term "Xeriscape";
prohibiting certain restrictions on the
practice of Xeriscape; amending s. 373.62,
F.S.; providing for the operation and
maintenance of rain sensor devices; providing
an effective date.

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

Section 1. Section 125.568, Florida Statutes, is
amended to read:

125.568 Conservation of water; Xeriscape.--

(1)(a) The Legislature finds that Xeriscape
contributes to the conservation of water. In an effort to
meet the water needs of this state in a manner that will
supply adequate and dependable supplies of water where needed,
it is the intent of the Legislature that Xeriscape be an
essential part of water conservation planning.

(b) "Xeriscape" or "Florida friendly landscape" means
quality landscapes that conserve water and protect the
environment and are adaptable to local conditions and which
are drought tolerant ~~a landscaping method that maximizes the~~
~~conservation of water by the use of site-appropriate plants~~
~~and an efficient watering system.~~ The principles of Xeriscape
include planning and design, appropriate choice of plants,
soil analysis which may include the use of solid waste
compost, practical use of turf, efficient irrigation,
appropriate use of mulches, and proper maintenance.

1 (2) ~~By October 1, 1992,~~The board of county
2 commissioners of each county shall consider enacting
3 ordinances requiring the use of Xeriscape as a water
4 conservation measure. If the board determines that Xeriscape
5 would be of significant benefit as a water conservation
6 measure relative to the cost to implement Xeriscape
7 landscaping in its area of jurisdiction, the board shall enact
8 a Xeriscape ordinance. Further, the board of county
9 commissioners shall consider promoting Xeriscape as a water
10 conservation measure by: using Xeriscape in, around, or near
11 facilities, parks, and other common areas under its
12 jurisdiction which are landscaped after the effective date of
13 this act; providing public education on Xeriscape, its uses as
14 a water conservation tool, and its long-term
15 cost-effectiveness; and offering incentives to local residents
16 and businesses to implement Xeriscape landscaping.

17 (3) A deed restriction, covenant, or local government
18 ordinance may not prohibit any property owner from
19 implementing Xeriscape on his or her land.

20 Section 2. Section 166.048, Florida Statutes, is
21 amended to read:

22 166.048 Conservation of water; Xeriscape.--

23 (1)(a) The Legislature finds that Xeriscape
24 contributes to the conservation of water. In an effort to
25 meet the water needs of this state in a manner that will
26 supply adequate and dependable supplies of water where needed,
27 it is the intent of the Legislature that Xeriscape be an
28 essential part of water conservation planning.

29 (b) "Xeriscape" or "Florida friendly landscape" means
30 quality landscapes that conserve water and protect the
31 environment and are adaptable to local conditions and which

1 ~~are drought tolerant a landscaping method that maximizes the~~
2 ~~conservation of water by the use of site-appropriate plants~~
3 ~~and an efficient watering system.~~ The principles of Xeriscape
4 include planning and design, appropriate choice of plants,
5 soil analysis which may include the use of solid waste
6 compost, practical use of turf, efficient irrigation,
7 appropriate use of mulches, and proper maintenance.

8 (2) ~~By October 1, 1992,~~The governing body of each
9 municipality shall consider enacting ordinances requiring the
10 use of Xeriscape as a water conservation measure. If the
11 governing body determines that Xeriscape would be of
12 significant benefit as a water conservation measure relative
13 to the cost to implement Xeriscape landscaping in its area of
14 jurisdiction in the municipality, the board shall enact a
15 Xeriscape ordinance. Further, the governing body shall
16 consider promoting Xeriscape as a water conservation measure
17 by: using Xeriscape in, around, or near facilities, parks,
18 and other common areas under its jurisdiction which are
19 landscaped after the effective date of this act; providing
20 public education on Xeriscape, its uses as a water
21 conservation tool, and its long-term cost-effectiveness; and
22 offering incentives to local residents and businesses to
23 implement Xeriscape landscaping.

24 (3) A deed restriction, covenant, or local government
25 ordinance may not prohibit any property owner from
26 implementing Xeriscape on his or her land.

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

29 255.259 Xeriscape landscaping on public property.--
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1 (4) A deed restriction, covenant, or local government
2 ordinance may not prohibit any property owner from
3 implementing Xeriscape on his or her land.

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

6 335.167 State highway construction and maintenance;
7 Xeriscape landscaping in rights-of-way.--

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

19 (2) A deed restriction, covenant, or local government
20 ordinance may not prohibit any property owner from
21 implementing Xeriscape on his or her land.

22 Section 5. Section 373.62, Florida Statutes, is
23 amended to read:

24 373.62 Water conservation; automatic sprinkler
25 systems.--Any person who purchases and installs an automatic
26 lawn sprinkler system after May 1, 1991, shall install, and
27 must maintain and operate, a rain sensor device or switch that
28 ~~which~~ will override the irrigation cycle of the sprinkler
29 system when adequate rainfall has occurred.

30 Section 6. Section 373.185, Florida Statutes, is
31 amended to read:

1 373.185 Local Xeriscape ordinances.--

2 (1) As used in this section, the term:

3 (a) "Local government" means any county or
4 municipality of the state.

5 (b) "Xeriscape" or "Florida friendly landscape" means
6 quality landscapes that conserve water and protect the
7 environment and are adaptable to local conditions and which
8 are drought tolerant ~~a landscaping method that maximizes the~~
9 ~~conservation of water by the use of site-appropriate plants~~
10 ~~and an efficient watering system~~. The principles of Xeriscape
11 include planning and design, appropriate choice of plants,
12 soil analysis which may include the use of solid waste
13 compost, efficient irrigation, practical use of turf,
14 appropriate use of mulches, and proper maintenance.

15 (2) Each water management district shall design and
16 implement an incentive program to encourage all local
17 governments within its district to adopt new ordinances or
18 amend existing ordinances to require Xeriscape landscaping for
19 development permitted after the effective date of the new
20 ordinance or amendment. Each district shall adopt rules
21 governing the implementation of its incentive program and
22 governing the review and approval of local government
23 Xeriscape ordinances or amendments which are intended to
24 qualify a local government for the incentive program. Each
25 district shall assist the local governments within its
26 jurisdiction by providing a model Xeriscape code and other
27 technical assistance. A local government Xeriscape ordinance
28 or amendment, in order to qualify the local government for a
29 district's incentive program, must include, at a minimum:

30 (a) Landscape design, installation, and maintenance
31 standards that result in water conservation. Such standards

1 shall address the use of plant groupings, soil analysis
2 including the promotion of the use of solid waste compost,
3 efficient irrigation systems, and other water-conserving
4 practices.

5 (b) Identification of prohibited invasive exotic plant
6 species.

7 (c) Identification of controlled plant species,
8 accompanied by the conditions under which such plants may be
9 used.

10 (d) A provision specifying the maximum percentage of
11 turf and the maximum percentage of impervious surfaces allowed
12 in a xeriscaped area and addressing the practical selection
13 and installation of turf.

14 (e) Specific standards for land clearing and
15 requirements for the preservation of existing native
16 vegetation.

17 (f) A monitoring program for ordinance implementation
18 and compliance.

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20 The districts also shall work with local governments to
21 promote, through educational programs and publications, the
22 use of Xeriscape practices, including the use of solid waste
23 compost, in existing residential and commercial development.
24 This section may not be construed to limit the authority of
25 the districts to require Xeriscape ordinances or practices as
26 a condition of any consumptive use permit.

27 (3) A deed restriction, covenant, or local government
28 ordinance may not prohibit any property owner from
29 implementing Xeriscape on his or her land.

30 Section 7. This act shall take effect October 1, 2001.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 126

The committee substitute redefines the term "Xeriscape" or "Florida friendly landscape" to mean quality landscapes that conserve water, protect the environment, are adaptable to local conditions and are drought tolerant. A deed restriction, covenant, or local government ordinance may not prohibit any property owner from implementing Xeriscape or Florida friendly landscape on his or her property.

The committee substitute also provides that a rain sensor device or switch which will override the irrigation cycle of an automatic lawn sprinkler system when adequate rainfall has occurred must be maintained and operated.