

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Romeo offered the following:

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Amendment (with title amendment)

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On page 3, between lines 29 and 30 of the bill

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insert:

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Section 2. Section 125.568, Florida Statutes, is amended to read:

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125.568 Conservation of water; Xeriscape.--

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(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.

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(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

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1 include planning and design, appropriate choice of plants,
2 soil analysis which may include the use of solid waste
3 compost, practical use of turf, efficient irrigation,
4 appropriate use of mulches, and proper maintenance.

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

21 (3) A deed restriction or covenant entered after
22 October 1, 2001, or local government ordinance may not
23 prohibit any property owner from implementing Xeriscape or
24 Florida friendly landscape on his or her land or from
25 constructing on such land an irrigation well permitted or
26 exempted by the water management district.

27 Section 3. Section 166.048, Florida Statutes, is
28 amended to read:

29 166.048 Conservation of water; Xeriscape.--

30 (1)(a) The Legislature finds that Xeriscape
31 contributes to the conservation of water. In an effort to

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1 meet the water needs of this state in a manner that will
2 supply adequate and dependable supplies of water where needed,
3 it is the intent of the Legislature that Xeriscape be an
4 essential part of water conservation planning.

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, practical use of turf, efficient irrigation,
14 appropriate use of mulches, and proper maintenance.

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

31 (3) A deed restriction or covenant entered after

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1 October 1, 2001, or local government ordinance may not
2 prohibit any property owner from implementing Xeriscape or
3 Florida friendly landscape on his or her land or from
4 constructing on such land an irrigation well permitted or
5 exempted by the water management district.

6 Section 4. Subsection (4) is added to section 255.259,
7 Florida Statutes, to read:

8 255.259 Xeriscape landscaping on public property.--

9 (4) A deed restriction or covenant entered after
10 October 1, 2001, or local government ordinance may not
11 prohibit any property owner from implementing Xeriscape or
12 Florida friendly landscape on his or her land or from
13 constructing on such land an irrigation well permitted or
14 exempted by the water management district.

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

17 335.167 State highway construction and maintenance;
18 Xeriscape landscaping in rights-of-way.--

19 (1) The department shall use and require the use of
20 Xeriscape practices, as defined in s. 373.185(1), in the
21 construction and maintenance of all new state highways,
22 wayside parks, access roads, welcome stations, and other state
23 highway rights-of-way constructed upon or acquired after June
24 30, 1992. The department shall develop a 5-year program for
25 phasing in the use of Xeriscape, including the use of solid
26 waste compost, in state highway rights-of-way constructed upon
27 or acquired before July 1, 1992. In accomplishing these
28 tasks, the department shall employ the guidelines set out in
29 s. 373.185(2)(a)-(f).

30 (2) A deed restriction or covenant entered after
31 October 1, 2001, or local government ordinance may not

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1 prohibit any property owner from implementing Xeriscape or
2 Florida friendly landscape on his or her land or from
3 constructing on such land an irrigation well permitted or
4 exempted by the water management district.

5 Section 6. Section 373.62, Florida Statutes, is
6 amended to read:

7 373.62 Water conservation; automatic sprinkler
8 systems.--Any person who purchases and installs an automatic
9 lawn sprinkler system after May 1, 1991, shall install, and
10 must maintain and operate, a rain sensor device or switch that
11 ~~which~~ will override the irrigation cycle of the sprinkler
12 system when adequate rainfall has occurred.

13 Section 7. Section 373.185, Florida Statutes, is
14 amended to read:

15 373.185 Local Xeriscape ordinances.--

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

17 (a) "Local government" means any county or
18 municipality of the state.

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

29 (2) Each water management district shall design and
30 implement an incentive program to encourage all local
31 governments within its district to adopt new ordinances or

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1 amend existing ordinances to require Xeriscape landscaping for
2 development permitted after the effective date of the new
3 ordinance or amendment. Each district shall adopt rules
4 governing the implementation of its incentive program and
5 governing the review and approval of local government
6 Xeriscape ordinances or amendments which are intended to
7 qualify a local government for the incentive program. Each
8 district shall assist the local governments within its
9 jurisdiction by providing a model Xeriscape code and other
10 technical assistance. A local government Xeriscape ordinance
11 or amendment, in order to qualify the local government for a
12 district's incentive program, must include, at a minimum:

13 (a) Landscape design, installation, and maintenance
14 standards that result in water conservation. Such standards
15 shall address the use of plant groupings, soil analysis
16 including the promotion of the use of solid waste compost,
17 efficient irrigation systems, and other water-conserving
18 practices.

19 (b) Identification of prohibited invasive exotic plant
20 species.

21 (c) Identification of controlled plant species,
22 accompanied by the conditions under which such plants may be
23 used.

24 (d) A provision specifying the maximum percentage of
25 turf and the maximum percentage of impervious surfaces allowed
26 in a xeriscaped area and addressing the practical selection
27 and installation of turf.

28 (e) Specific standards for land clearing and
29 requirements for the preservation of existing native
30 vegetation.

31 (f) A monitoring program for ordinance implementation

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1 and compliance.

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3 The districts also shall work with local governments to
4 promote, through educational programs and publications, the
5 use of Xeriscape practices, including the use of solid waste
6 compost, in existing residential and commercial development.
7 This section may not be construed to limit the authority of
8 the districts to require Xeriscape ordinances or practices as
9 a condition of any consumptive use permit.

10 (3) A deed restriction or covenant entered after
11 October 1, 2001, or local government ordinance may not
12 prohibit any property owner from implementing Xeriscape or
13 Florida friendly landscape on his or her land or from
14 constructing on such land an irrigation well permitted or
15 exempted by the water management district.

16 Section 8. Section 720.3075, Florida Statutes, is
17 amended to read:

18 720.3075 Prohibited clauses in association
19 documents.--

20 (1) It is declared that the public policy of this
21 state prohibits the inclusion or enforcement of certain types
22 of clauses in homeowners' association documents, including
23 declaration of covenants, articles of incorporation, bylaws,
24 or any other document of the association which binds members
25 of the association, which either have the effect of or provide
26 that:

27 (a) A developer has the unilateral ability and right
28 to make changes to the homeowners' association documents after
29 the transition of homeowners' association control in a
30 community from the developer to the nondeveloper members, as
31 set forth in s. 720.307, has occurred.

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1 (b) A homeowners' association is prohibited or
2 restricted from filing a lawsuit against the developer, or the
3 homeowners' association is otherwise effectively prohibited or
4 restricted from bringing a lawsuit against the developer.

5 (c) After the transition of homeowners' association
6 control in a community from the developer to the nondeveloper
7 members, as set forth in s. 720.307, has occurred, a developer
8 is entitled to cast votes in an amount that exceeds one vote
9 per residential lot.

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11 Such clauses are declared null and void as against the public
12 policy of this state.

13 (2) The public policy described in subsection (1)
14 prohibits the inclusion or enforcement of such clauses created
15 on or after the effective date of s. 3, chapter 98-261, Laws
16 of Florida.

17 (3) Homeowners' association documents, including
18 declarations of covenants, articles of incorporation, or
19 bylaws, may not preclude the display of one United States flag
20 by property owners. However, the flag must be displayed in a
21 respectful way and may be subject to reasonable standards for
22 size, placement, and safety, as adopted by the homeowners'
23 association, consistent with Title 36 U.S.C. chapter 10 and
24 any local ordinances.

25 (4) Homeowners' association documents, including
26 declarations of covenants, articles of incorporation or
27 bylaws, entered after October 1, 2001, may not prohibit any
28 property owner from implementing Xeriscape or Florida friendly
29 landscape, as defined in s. 373.185(1), on his or her land or
30 from constructing on such land an irrigation well permitted or
31 exempted by the water management district.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, lines 2 through 6
4 remove from the title of the bill: the entire title

5
6 and insert in lieu thereof:

7 An act relating to local government; amending
8 s. 125.35, F.S.; providing an alternative
9 procedure for the sale or disposition of
10 certain property by boards of county
11 commissioners; amending ss. 125.568, 166.048,
12 255.259, 335.167, 373.185, F.S.; redefining the
13 term "Xeriscape"; prohibiting certain
14 restrictions on the practice of Xeriscape or
15 the construction of irrigation wells; amending
16 s. 373.62, F.S.; providing for the operation
17 and maintenance of rain sensor devices;
18 amending s. 720.3075, F.S.; prohibiting
19 homeowners' associations for restricting the
20 practice of Xeriscape or the construction of
21 irrigation wells; providing an effective date:

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