

1                   A bill to be entitled  
2           An act relating to water supply; providing legislative  
3           intent; directing the Secretary of Environmental  
4           Protection to coordinate with the water management  
5           districts to conduct a study of certain desalination  
6           technologies; providing study requirements; requiring the  
7           secretary to report to the Governor and the Legislature by  
8           a specified date; amending s. 373.185, F.S.; revising the  
9           principles of Florida-friendly landscape; deleting  
10          references to "xeriscape"; revising eligibility criteria  
11          for certain water management district incentive programs;  
12          requiring certain local government ordinances and  
13          amendments to incorporate specified landscape irrigation  
14          and design standards and identify specified invasive  
15          exotic plant species; requiring water management districts  
16          to consult with additional entities for activities  
17          relating to Florida-friendly landscaping practices;  
18          specifying the University of Florida's Yards and  
19          Neighborhoods extension program or a similar program as a  
20          primary resource for the delivery of educational programs  
21          relating to such practices; providing an exemption from  
22          certain rulemaking requirements; providing construction;  
23          prohibiting the creation of conflicting requirements or  
24          limitations; providing legislative findings; amending ss.  
25          125.568, 166.048, 255.259, 335.167, 373.228, 380.061,  
26          388.291, 481.303, and 720.3075, F.S.; conforming  
27          provisions to changes made by the act; amending s.  
28          373.236, F.S.; authorizing water management districts and

29 the Department of Environmental Protection to grant  
 30 permits as incentives for landowners to pursue alternative  
 31 water resource projects; providing requirements for the  
 32 permits; providing an effective date.

33  
 34 Be It Enacted by the Legislature of the State of Florida:

35  
 36 Section 1. (1) LEGISLATIVE INTENT.--The Legislature finds  
 37 that desalination of seawater is a proven technology for  
 38 providing water supply solutions for countries around the world  
 39 and an increasingly cost-competitive alternative for coastal  
 40 cities within the United States. The potential success of  
 41 desalination projects would benefit the communities they  
 42 directly serve and the state as a whole by preserving existing  
 43 natural water resources and providing a practical means of  
 44 ensuring adequate supplies of water for future generations of  
 45 Floridians. Therefore, it is the intent of the Legislature to  
 46 aggressively pursue desalination technologies for use in the  
 47 state.

48 (2) DESALINATION TECHNOLOGY STUDY; REPORT.--The Secretary  
 49 of Environmental Protection is directed to coordinate with the  
 50 water management districts to conduct a study examining all  
 51 current and available desalination technologies. The study shall  
 52 include an analysis of the existing desalination projects in the  
 53 state and recommendations for a plan to effectively utilize and  
 54 implement desalination technologies that are environmentally and  
 55 fiscally sound and that will provide sustainability of the  
 56 current water supply demands of the state as well as long-term

57 potable water supply demands based on projected population  
 58 growth. The secretary shall submit a report of the findings of  
 59 the study and plan recommendations to the Governor, the  
 60 President of the Senate, and the Speaker of the House of  
 61 Representatives by June 30, 2009.

62 Section 2. Section 373.185, Florida Statutes, is amended  
 63 to read:

64 373.185 Local Florida-friendly landscape ~~Xeriscape~~  
 65 ordinances.--

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

67 (a) "Local government" means any county or municipality of  
 68 the state.

69 (b) ~~"Xeriscape" or~~ "Florida-friendly landscape" means  
 70 quality landscapes that conserve water, and protect the  
 71 environment, and are adaptable to local conditions, and ~~which~~  
 72 are drought tolerant. The principles of Florida-friendly  
 73 landscape ~~Xeriscape~~ include planting the right plant in the  
 74 right place, efficient watering, appropriate fertilization,  
 75 mulching, attraction of wildlife, responsible management of yard  
 76 pests, recycling yard waste, reduction of stormwater runoff, and  
 77 waterfront protection. Additional components of Florida-friendly  
 78 landscape include planning and design, ~~appropriate choice of~~  
 79 ~~plants,~~ soil analysis which may include the use of solid waste  
 80 compost, ~~efficient irrigation,~~ practical use of turf,  
 81 ~~appropriate use of mulches,~~ and proper maintenance.

82 (2) Each water management district shall design and  
 83 implement an incentive program to encourage all local  
 84 governments within its district to adopt new ordinances or amend

85 existing ordinances to require Florida-friendly ~~Xeriscape~~  
86 landscaping for development permitted after the effective date  
87 of the new ordinance or amendment. Each district shall establish  
88 criteria ~~adopt rules governing the implementation of its~~  
89 ~~incentive program~~ and governing the review and approval of local  
90 government Florida-friendly landscape ~~Xeriscape~~ ordinances or  
91 amendments which are intended to qualify a local government for  
92 the incentive program. Each district shall assist the local  
93 governments within its jurisdiction by providing a model  
94 Florida-friendly landscape ~~Xeriscape~~ code and other technical  
95 assistance. A local government Florida-friendly landscape  
96 ~~Xeriscape~~ ordinance or amendment, in order to qualify the local  
97 government for a district's incentive program, must include, at  
98 a minimum:

99 (a) Landscape design, installation, and maintenance  
100 standards that result in water conservation. Such standards  
101 shall address the use of plant groupings, soil analysis  
102 including the promotion of the use of solid waste compost,  
103 efficient irrigation systems, and other water-conserving  
104 practices.

105 (b) Identification of prohibited invasive exotic plant  
106 species consistent with the provisions of s. 581.091.

107 (c) Identification of controlled plant species,  
108 accompanied by the conditions under which such plants may be  
109 used.

110 (d) A provision specifying the maximum percentage of turf  
111 and the maximum percentage of impervious surfaces allowed in a  
112 Florida-friendly landscaped ~~xeriscape~~ area and addressing the

113 practical selection and installation of turf.

114 (e) Specific standards for land clearing and requirements  
115 for the preservation of existing native vegetation.

116 (f) A monitoring program for ordinance implementation and  
117 compliance.

118 (g) Incorporation of the landscape irrigation and Florida-  
119 friendly landscape design standards developed pursuant to s.  
120 373.228(4).

121  
122 The districts also shall work with local governments, county  
123 extension agents or offices, nursery and landscape industry  
124 groups, and other interested stakeholders to promote, through  
125 educational programs and publications, the use of Florida-  
126 friendly landscape ~~Xeriscape~~ practices, including the use of  
127 solid waste compost, in existing residential and commercial  
128 development. The districts shall use the University of Florida's  
129 Yards and Neighborhoods extension program or a similar program  
130 as a primary resource for the delivery of educational programs  
131 to individual homeowners and homeowners' associations. This  
132 subsection is not subject to the rulemaking requirements of  
133 chapter 120 ~~section may not be construed to limit the authority~~  
134 ~~of the districts to require Xeriscape ordinances or practices as~~  
135 ~~a condition of any consumptive use permit.~~

136 (3) This section may not be construed to limit the  
137 authority of the districts to require Florida-Friendly landscape  
138 ordinances or practices as a condition of any permit under part  
139 II or part IV of this chapter.

140 (4)-(3) A deed restriction, ~~or~~ covenant entered after

141 ~~October 1, 2001~~, or local government ordinance may not prohibit  
 142 any property owner from implementing ~~Xeriscape~~ or Florida-  
 143 friendly landscaping landscape on his or her land or create any  
 144 requirement or limitation in conflict with any provision of part  
 145 II or a water shortage order, other order, consumptive use  
 146 permit, or rule adopted or issued pursuant to part II. A deed  
 147 restriction, covenant, or local government ordinance may not be  
 148 enforced to prohibit a property owner from implementing Florida-  
 149 friendly landscaping, nor shall such restriction, covenant, or  
 150 ordinance create any such conflicting requirement or limitation.  
 151 The Legislature finds that the use of Florida-Friendly  
 152 landscaping and other measures that conserve Florida's water  
 153 resources serves a compelling public interest and that the  
 154 participation of homeowners' associations and local governments  
 155 is essential to state water conservation efforts.

156 Section 3. Section 125.568, Florida Statutes, is amended  
 157 to read:

158 125.568 Conservation of water; Florida-friendly landscape  
 159 ~~Xeriscape~~.--

160 (1) (a) The Legislature finds that Florida-friendly  
 161 landscape, as implemented in s. 373.185, Xeriscape contributes  
 162 to the conservation of water. In an effort to meet the water  
 163 needs of this state in a manner that will supply adequate and  
 164 dependable supplies of water where needed, it is the intent of  
 165 the Legislature that Florida-friendly landscape Xeriscape be an  
 166 essential part of water conservation planning.

167 (b) ~~"Xeriscape" or~~ "Florida-friendly landscape" means  
 168 quality landscapes that conserve water, and ~~and~~ protect the

169 environment, ~~and~~ are adaptable to local conditions, ~~and which~~  
 170 are drought tolerant. The principles of Florida-friendly  
 171 landscape Xeriscape include planting the right plant in the  
 172 right place, efficient watering, appropriate fertilization,  
 173 mulching, attraction of wildlife, responsible management of yard  
 174 pests, recycling yard waste, reduction of stormwater runoff, and  
 175 waterfront protection. Additional components of Florida-friendly  
 176 landscape include planning and design, ~~appropriate choice of~~  
 177 ~~plants,~~ soil analysis which may include the use of solid waste  
 178 compost, practical use of turf, ~~efficient irrigation,~~  
 179 ~~appropriate use of mulches,~~ and proper maintenance.

180 (2) The board of county commissioners of each county shall  
 181 consider enacting ordinances requiring the use of Florida-  
 182 friendly landscape Xeriscape as a water conservation measure. If  
 183 the board determines that Florida-friendly landscape Xeriscape  
 184 would be of significant benefit as a water conservation measure  
 185 relative to the cost to implement Florida-friendly Xeriscape  
 186 landscaping in its area of jurisdiction, the board shall enact a  
 187 Florida-friendly landscape Xeriscape ordinance. Further, the  
 188 board of county commissioners shall consider promoting Florida-  
 189 friendly landscape Xeriscape as a water conservation measure by:  
 190 using Florida-friendly landscape Xeriscape in, around, or near  
 191 facilities, parks, and other common areas under its jurisdiction  
 192 that ~~which~~ are landscaped after the effective date of this act;  
 193 providing public education on Florida-friendly landscape  
 194 Xeriscape, its uses as a water conservation tool, and its long-  
 195 term cost-effectiveness; and offering incentives to local  
 196 residents and businesses to implement Florida-friendly Xeriscape

197 landscaping.

198 (3) A deed restriction, ~~or~~ covenant ~~entered after October~~  
 199 ~~1, 2001~~, or local government ordinance may not prohibit any  
 200 property owner from implementing ~~Xeriscape~~ or Florida-friendly  
 201 landscape on his or her land.

202 Section 4. Section 166.048, Florida Statutes, is amended  
 203 to read:

204 166.048 Conservation of water; Florida-friendly landscape  
 205 ~~Xeriscape~~.--

206 (1) (a) The Legislature finds that Florida-friendly  
 207 landscape, as implemented in s. 373.185, Xeriscape contributes  
 208 to the conservation of water. In an effort to meet the water  
 209 needs of this state in a manner that will supply adequate and  
 210 dependable supplies of water where needed, it is the intent of  
 211 the Legislature that Florida-friendly landscape Xeriscape be an  
 212 essential part of water conservation planning.

213 (b) ~~"Xeriscape" or~~ "Florida-friendly landscape" means  
 214 quality landscapes that conserve water, ~~and~~ protect the  
 215 environment, ~~and~~ are adaptable to local conditions, ~~and~~ which  
 216 are drought tolerant. The principles of Florida-friendly  
 217 landscape Xeriscape include planting the right plant in the  
 218 right place, efficient watering, appropriate fertilization,  
 219 mulching, attraction of wildlife, responsible management of yard  
 220 pests, recycling yard waste, reduction of stormwater runoff, and  
 221 waterfront protection. Additional components of Florida-friendly  
 222 landscape include planning and design, appropriate choice of  
 223 plants, soil analysis which may include the use of solid waste  
 224 compost, practical use of turf, ~~efficient irrigation,~~



225 ~~appropriate use of mulches,~~ and proper maintenance.

226 (2) The governing body of each municipality shall consider  
 227 enacting ordinances requiring the use of Florida-friendly  
 228 landscape ~~Xeriscape~~ as a water conservation measure. If the  
 229 governing body determines that Florida-friendly landscape  
 230 ~~Xeriscape~~ would be of significant benefit as a water  
 231 conservation measure relative to the cost to implement Florida-  
 232 friendly ~~Xeriscape~~ landscaping in its area of jurisdiction in  
 233 the municipality, the board shall enact a Florida-friendly  
 234 landscape ~~Xeriscape~~ ordinance. Further, the governing body shall  
 235 consider promoting Florida-friendly landscape ~~Xeriscape~~ as a  
 236 water conservation measure by: using Florida-friendly landscape  
 237 ~~Xeriscape~~ in, around, or near facilities, parks, and other  
 238 common areas under its jurisdiction that ~~which~~ are landscaped  
 239 after the effective date of this act; providing public education  
 240 on Florida-friendly landscape ~~Xeriscape~~, its uses as a water  
 241 conservation tool, and its long-term cost-effectiveness; and  
 242 offering incentives to local residents and businesses to  
 243 implement Florida-friendly ~~Xeriscape~~ landscaping.

244 (3) A deed restriction, ~~or~~ covenant ~~entered after October~~  
 245 ~~1, 2001,~~ or local government ordinance may not prohibit any  
 246 property owner from implementing ~~Xeriscape~~ or Florida-friendly  
 247 landscape on his or her land.

248 Section 5. Section 255.259, Florida Statutes, is amended  
 249 to read:

250 255.259 Florida-friendly ~~Xeriscape~~ landscaping on public  
 251 property.--

252 (1) The Legislature finds that water conservation is

253 increasingly critical to the continuance of an adequate water  
254 supply for the citizens of this state. The Legislature further  
255 finds that "Florida-friendly landscape ~~Xeriscape~~," as  
256 implemented ~~defined~~ in s. 373.185, can contribute significantly  
257 to the conservation of water. Finally, the Legislature finds  
258 that state government has the responsibility to promote Florida-  
259 friendly landscape ~~Xeriscape~~ as a water conservation measure by  
260 using Florida-friendly landscape ~~Xeriscape~~ on public property  
261 associated with publicly owned buildings or facilities.

262 (2) As used in this section, "publicly owned buildings or  
263 facilities" means those construction projects under the purview  
264 of the Department of Management Services. It does not include  
265 environmentally endangered land or roads and highway  
266 construction under the purview of the Department of  
267 Transportation.

268 (3) The Department of Management Services, in consultation  
269 with the Department of Environmental Protection, shall adopt  
270 rules and guidelines for the required use of Florida-friendly  
271 landscape ~~Xeriscape~~ on public property associated with publicly  
272 owned buildings or facilities constructed after June 30, 1992.  
273 The Department of Management Services also shall develop a 5-  
274 year program for phasing in the use of Florida-friendly  
275 landscape ~~Xeriscape~~ on public property associated with publicly  
276 owned buildings or facilities constructed before July 1, 1992.  
277 In accomplishing these tasks, the Department of Management  
278 Services shall take into account the guidelines set out in s.  
279 373.185(2) (a) - (g) ~~(a) - (f)~~. The Department of Transportation shall  
280 implement Florida-friendly ~~Xeriscape~~ landscaping pursuant to s.

281 335.167.

282 (4) A deed restriction, ~~or covenant entered after October~~  
 283 ~~1, 2001~~, or local government ordinance may not prohibit any  
 284 property owner from implementing ~~Xeriscape~~ or Florida-friendly  
 285 landscape on his or her land.

286 Section 6. Section 335.167, Florida Statutes, is amended  
 287 to read:

288 335.167 State highway construction and maintenance;  
 289 ~~Xeriscape~~ or Florida-friendly landscaping.--

290 (1) The department shall use and require the use of  
 291 Florida-friendly landscape ~~Xeriscape~~ practices, as implemented  
 292 ~~defined~~ in s. 373.185(1), in the construction and maintenance of  
 293 all new state highways, wayside parks, access roads, welcome  
 294 stations, and other state highway rights-of-way constructed upon  
 295 or acquired after June 30, 1992. The department shall develop a  
 296 5-year program for phasing in the use of Florida-friendly  
 297 landscape ~~Xeriscape~~, including the use of solid waste compost,  
 298 in state highway rights-of-way constructed upon or acquired  
 299 before July 1, 1992. In accomplishing these tasks, the  
 300 department shall employ the guidelines set out in s.  
 301 373.185(2) (a) - (g) ~~(a) - (f)~~.

302 (2) A deed restriction, ~~or covenant entered after October~~  
 303 ~~1, 2001~~, or local government ordinance may not prohibit any  
 304 property owner from implementing ~~Xeriscape~~ or Florida-friendly  
 305 landscape on his or her land.

306 Section 7. Subsections (2) and (4) of section 373.228,  
 307 Florida Statutes, are amended to read:

308 373.228 Landscape irrigation design.--

309           (2) The Legislature finds that landscape irrigation  
310 comprises a significant portion of water use and that the  
311 current typical landscape irrigation system and Florida-friendly  
312 landscape ~~xeriscape~~ designs offer significant potential water  
313 conservation benefits.

314           (4) The water management districts shall work with the  
315 Florida Nurserymen and Growers Association, the Florida Chapter  
316 of the American Society of Landscape Architects, the Florida  
317 Irrigation Society, the Department of Agriculture and Consumer  
318 Services, the Institute of Food and Agricultural Sciences, the  
319 Department of Environmental Protection, the Department of  
320 Transportation, the Florida League of Cities, the Florida  
321 Association of Counties, and the Florida Association of  
322 Community Developers to develop landscape irrigation and  
323 Florida-friendly landscape ~~xeriscape~~ design standards for new  
324 construction which incorporate a landscape irrigation system and  
325 develop scientifically based model guidelines for urban,  
326 commercial, and residential landscape irrigation, including drip  
327 irrigation, for plants, trees, sod, and other landscaping. The  
328 landscape and irrigation design standards shall be based on the  
329 irrigation code defined in the Florida Building Code, Plumbing  
330 Volume, Appendix F. Local governments shall use the standards  
331 and guidelines when developing landscape irrigation and Florida-  
332 friendly landscape ~~xeriscape~~ ordinances. Every 5 years, the  
333 agencies and entities specified in this subsection shall review  
334 the standards and guidelines to determine whether new research  
335 findings require a change or modification of the standards and  
336 guidelines.

337 Section 8. Paragraph (a) of subsection (3) of section  
 338 380.061, Florida Statutes, is amended to read:

339 380.061 The Florida Quality Developments program.--

340 (3) (a) To be eligible for designation under this program,  
 341 the developer shall comply with each of the following  
 342 requirements which is applicable to the site of a qualified  
 343 development:

344 1. Have donated or entered into a binding commitment to  
 345 donate the fee or a lesser interest sufficient to protect, in  
 346 perpetuity, the natural attributes of the types of land listed  
 347 below. In lieu of the above requirement, the developer may enter  
 348 into a binding commitment which runs with the land to set aside  
 349 such areas on the property, in perpetuity, as open space to be  
 350 retained in a natural condition or as otherwise permitted under  
 351 this subparagraph. Under the requirements of this subparagraph,  
 352 the developer may reserve the right to use such areas for the  
 353 purpose of passive recreation that is consistent with the  
 354 purposes for which the land was preserved.

355 a. Those wetlands and water bodies throughout the state as  
 356 would be delineated if the provisions of s. 373.4145(1)(b) were  
 357 applied. The developer may use such areas for the purpose of  
 358 site access, provided other routes of access are unavailable or  
 359 impracticable; may use such areas for the purpose of stormwater  
 360 or domestic sewage management and other necessary utilities to  
 361 the extent that such uses are permitted pursuant to chapter 403;  
 362 or may redesign or alter wetlands and water bodies within the  
 363 jurisdiction of the Department of Environmental Protection which  
 364 have been artificially created, if the redesign or alteration is

365 done so as to produce a more naturally functioning system.

366 b. Active beach or primary and, where appropriate,  
367 secondary dunes, to maintain the integrity of the dune system  
368 and adequate public accessways to the beach. However, the  
369 developer may retain the right to construct and maintain  
370 elevated walkways over the dunes to provide access to the beach.

371 c. Known archaeological sites determined to be of  
372 significance by the Division of Historical Resources of the  
373 Department of State.

374 d. Areas known to be important to animal species  
375 designated as endangered or threatened animal species by the  
376 United States Fish and Wildlife Service or by the Fish and  
377 Wildlife Conservation Commission, for reproduction, feeding, or  
378 nesting; for traveling between such areas used for reproduction,  
379 feeding, or nesting; or for escape from predation.

380 e. Areas known to contain plant species designated as  
381 endangered plant species by the Department of Agriculture and  
382 Consumer Services.

383 2. Produce, or dispose of, no substances designated as  
384 hazardous or toxic substances by the United States Environmental  
385 Protection Agency or by the Department of Environmental  
386 Protection or the Department of Agriculture and Consumer  
387 Services. This subparagraph is not intended to apply to the  
388 production of these substances in nonsignificant amounts as  
389 would occur through household use or incidental use by  
390 businesses.

391 3. Participate in a downtown reuse or redevelopment  
392 program to improve and rehabilitate a declining downtown area.

393 4. Incorporate no dredge and fill activities in, and no  
 394 stormwater discharge into, waters designated as Class II,  
 395 aquatic preserves, or Outstanding Florida Waters, except as  
 396 activities in those waters are permitted pursuant to s.  
 397 403.813(2) and the developer demonstrates that those activities  
 398 meet the standards under Class II waters, Outstanding Florida  
 399 Waters, or aquatic preserves, as applicable.

400 5. Include open space, recreation areas, Florida-friendly  
 401 landscape ~~Xeriscape~~ as defined in s. 373.185, and energy  
 402 conservation and minimize impermeable surfaces as appropriate to  
 403 the location and type of project.

404 6. Provide for construction and maintenance of all onsite  
 405 infrastructure necessary to support the project and enter into a  
 406 binding commitment with local government to provide an  
 407 appropriate fair-share contribution toward the offsite impacts  
 408 which the development will impose on publicly funded facilities  
 409 and services, except offsite transportation, and condition or  
 410 phase the commencement of development to ensure that public  
 411 facilities and services, except offsite transportation, will be  
 412 available concurrent with the impacts of the development. For  
 413 the purposes of offsite transportation impacts, the developer  
 414 shall comply, at a minimum, with the standards of the state land  
 415 planning agency's development-of-regional-impact transportation  
 416 rule, the approved strategic regional policy plan, any  
 417 applicable regional planning council transportation rule, and  
 418 the approved local government comprehensive plan and land  
 419 development regulations adopted pursuant to part II of chapter  
 420 163.

421           7. Design and construct the development in a manner that  
 422 is consistent with the adopted state plan, the applicable  
 423 strategic regional policy plan, and the applicable adopted local  
 424 government comprehensive plan.

425           Section 9. Subsection (3) of section 388.291, Florida  
 426 Statutes, is amended to read:

427           388.291 Source reduction measures; supervision by  
 428 department.--

429           (3) Property owners in a developed residential area are  
 430 required to maintain their property in such a manner so as not  
 431 to create or maintain any standing freshwater condition capable  
 432 of breeding mosquitoes or other arthropods in significant  
 433 numbers so as to constitute a public health, welfare, or  
 434 nuisance problem. Nothing in this subsection shall permit the  
 435 alteration of permitted stormwater management systems or  
 436 prohibit maintained fish ponds, Florida-friendly landscaping  
 437 ~~xeriscaping~~, or other maintained systems of landscaping or  
 438 vegetation. If such a condition is found to exist, the local  
 439 arthropod control agency shall serve notice on the property  
 440 owner to treat, remove, or abate the condition. Such notice  
 441 shall serve as prima facie evidence of maintaining a nuisance,  
 442 and upon failure of the property owner to treat, remove, or  
 443 abate the condition, the local arthropod control agency or any  
 444 affected citizen may proceed pursuant to s. 60.05 to enjoin the  
 445 nuisance and may recover costs and attorney's fees if they  
 446 prevail in the action.

447           Section 10. Paragraph (a) of subsection (6) of section  
 448 481.303, Florida Statutes, is amended to read:



449 481.303 Definitions.--As used in this chapter:

450 (6) "Landscape architecture" means professional services,  
451 including, but not limited to, the following:

452 (a) Consultation, investigation, research, planning,  
453 design, preparation of drawings, specifications, contract  
454 documents and reports, responsible construction supervision, or  
455 landscape management in connection with the planning and  
456 development of land and incidental water areas, including the  
457 use of Florida-friendly landscape ~~Xeriscape~~ as implemented  
458 ~~defined~~ in s. 373.185, where, and to the extent that, the  
459 dominant purpose of such services or creative works is the  
460 preservation, conservation, enhancement, or determination of  
461 proper land uses, natural land features, ground cover and  
462 plantings, or naturalistic and aesthetic values;

463 Section 11. Subsection (4) of section 720.3075, Florida  
464 Statutes, is amended to read:

465 720.3075 Prohibited clauses in association documents.--

466 (4) Homeowners' association documents, including  
467 declarations of covenants, articles of incorporation, or bylaws,  
468 ~~entered after October 1, 2001,~~ may not prohibit any property  
469 owner from implementing ~~Xeriscape~~ or Florida-friendly landscape,  
470 as implemented ~~defined~~ in s. 373.185(1), on his or her land.

471 Section 12. Subsection (6) is added to section 373.236,  
472 Florida Statutes, to read:

473 373.236 Duration of permits; compliance reports.--

474 (6) (a) The need for alternative water supply development  
475 projects to meet anticipated public water supply demands of the  
476 state is so important that it is essential to encourage

477 participation in and contribution to these projects by private  
478 rural land owners who characteristically have relatively modest  
479 near-term water demands but substantially increasing demands  
480 after the 20-year planning horizon in s. 373.0361. Where such  
481 landowners make extraordinary contributions of lands or  
482 construction funding to enable the expeditious implementation of  
483 such projects, water management districts and the department may  
484 grant permits for such projects for a period of up to 50 years to  
485 municipalities, counties, special districts, regional water  
486 supply authorities, multijurisdictional water supply entities,  
487 and publicly owned or privately owned utilities, with the  
488 exception of any of the foregoing created for or by a private  
489 landowner after April 1, 2008, which have entered into an  
490 agreement with the private landowner for the purpose of more  
491 efficiently pursuing alternative public water supply development  
492 projects identified in a district's regional water supply plan  
493 and of meeting water demands of both the applicant and the  
494 landowner.

495 (b) Any permit pursuant to paragraph (a) shall be granted  
496 only for that period of time for which there is sufficient data  
497 to provide reasonable assurance that the conditions for permit  
498 issuance will be met. Such a permit shall require a compliance  
499 report by the permittee every 5 years during the term of the  
500 permit. The report shall contain sufficient data to maintain  
501 reasonable assurance that the conditions for permit issuance  
502 applicable at the time of district review of the compliance  
503 report are met. Following review of this report, the governing  
504 board or the department may modify the permit to ensure that the

505 use meets the conditions for issuance. This subsection does not  
506 limit the existing authority of the department or the governing  
507 board to modify or revoke a consumptive use permit.

508 Section 13. This act shall take effect July 1, 2008.