



536382

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 2/AD/3R

.

04/30/2009 02:59 PM

.

.

---

Senator Baker moved the following:

**Senate Amendment (with title amendment)**

Delete lines 211 - 212

and insert:

Section 3. Section 373.185, Florida Statutes, is amended to read:

373.185 Local Florida-friendly landscaping ~~Xeriscape~~ ordinances.—

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

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

(b) ~~"Xeriscape"~~ or "Florida-friendly landscaping landscape"



536382

13 means quality landscapes that conserve water, ~~and~~ protect the  
14 environment, ~~and~~ are adaptable to local conditions, ~~and~~ which  
15 are drought tolerant. The principles of such landscaping  
16 ~~Xeriscape~~ include planting the right plant in the right place,  
17 efficient watering, appropriate fertilization, mulching,  
18 attraction of wildlife, responsible management of yard pests,  
19 recycling yard waste, reduction of stormwater runoff, and  
20 waterfront protection. Additional components include practices  
21 such as landscape planning and design, ~~appropriate choice of~~  
22 plants, soil analysis, ~~which may include the~~ appropriate use of  
23 solid waste compost, minimizing the use of ~~efficient~~ irrigation,  
24 ~~practical use of turf, appropriate use of mulches,~~ and proper  
25 maintenance.

26 (2) Each water management district shall design and  
27 implement an incentive program to encourage all local  
28 governments within its district to adopt new ordinances or amend  
29 existing ordinances to require Florida-friendly Xeriscape  
30 landscaping for development permitted after the effective date  
31 of the new ordinance or amendment. ~~Each district shall adopt~~  
32 ~~rules governing the implementation of its incentive program and~~  
33 ~~governing the review and approval of local government Xeriscape~~  
34 ~~ordinances or amendments which are intended to qualify a local~~  
35 ~~government for the incentive program.~~ Each district shall assist  
36 the local governments within its jurisdiction by providing a  
37 model Florida-friendly landscaping ordinance ~~Xeriscape code~~ and  
38 other technical assistance. Each district may develop its own  
39 model or use a model contained in the "Florida-Friendly  
40 Landscape Guidance Models for Ordinances, Covenants, and  
41 Restrictions" manual developed by the department. To qualify for



536382

42 a district's incentive program, a local government ~~Xeriscape~~  
43 ordinance or amendment, ~~in order to qualify the local government~~  
44 ~~for a district's incentive program,~~ must include, at a minimum:

45 (a) Landscape design, installation, and maintenance  
46 standards that result in water conservation and water quality  
47 protection or restoration. Such standards must ~~shall~~ address the  
48 use of plant groupings, soil analysis including the promotion of  
49 the use of solid waste compost, efficient irrigation systems,  
50 and other water-conserving practices.

51 (b) Identification of prohibited invasive exotic plant  
52 species consistent with s. 581.091.

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

55 (d) A provision specifying the maximum percentage of  
56 irrigated turf and ~~the maximum percentage of~~ impervious surfaces  
57 allowed in a Florida-friendly landscaped ~~xeriscape~~ area and  
58 addressing the practical selection and installation of turf.

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

61 (f) A monitoring program for ordinance implementation and  
62 compliance.

63 (3) Each water management district shall also ~~The districts~~  
64 ~~also shall~~ work with the department, local governments, county  
65 extension agents or offices, nursery and landscape industry  
66 groups, and other interested stakeholders to promote, through  
67 educational programs, ~~and~~ publications, and other district  
68 activities authorized under this chapter, the use of Florida-  
69 friendly landscaping ~~Xeriscape~~ practices, including the use of  
70 solid waste compost, in ~~existing~~ residential and commercial



536382

71 development. In conducting these activities, each district shall  
72 use the materials developed by the department, the Institute of  
73 Food and Agricultural Sciences at the University of Florida, and  
74 the Center for Landscape Conservation and Ecology Florida-  
75 Friendly Landscaping program, including, but not limited to, the  
76 Florida Yards and Neighborhoods Program for homeowners, the  
77 Florida Yards and Neighborhoods Builder Developer Program for  
78 developers, and the Green Industries Best Management Practices  
79 Program for landscaping professionals. Each district may develop  
80 supplemental materials as appropriate to address the physical  
81 and natural characteristics of the district. The districts shall  
82 coordinate with the department and the Institute of Food and  
83 Agricultural Sciences at the University of Florida if revisions  
84 to the educational materials are needed. This section may not be  
85 construed to limit the authority of the districts to require  
86 Xeriscape ordinances or practices as a condition of any  
87 consumptive use permit.

88 (a) The Legislature finds that the use of Florida-friendly  
89 landscaping and other water use and pollution prevention  
90 measures to conserve or protect the state's water resources  
91 serves a compelling public interest and that the participation  
92 of homeowners' associations and local governments is essential  
93 to state's efforts in water conservation and water quality  
94 protection and restoration.

95 (b) ~~(3)~~ A deed restriction or covenant entered after October  
96 1, 2001, or local government ordinance may not prohibit or be  
97 enforced so as to prohibit any property owner from implementing  
98 Xeriscape or Florida-friendly landscaping landscape on his or  
99 her land or create any requirement or limitation in conflict



536382

100 with any provision of part II of this chapter or a water  
101 shortage order, other order, consumptive use permit, or rule  
102 adopted or issued pursuant to part II of this chapter.

103 (c) A local government ordinance may not prohibit or be  
104 enforced so as to prohibit any property owner from implementing  
105 Florida-friendly landscaping on his or her land.

106 (4) This section does not limit the authority of the  
107 department or the water management districts to require Florida-  
108 friendly landscaping ordinances or practices as a condition of  
109 any permit issued under this chapter.

110 Section 4. Section 373.187, Florida Statutes, is created to  
111 read:

112 373.187 Water management district implementation of  
113 Florida-friendly landscaping.—Each water management district  
114 shall use Florida-friendly landscaping, as defined in s.  
115 373.185, on public property associated with buildings and  
116 facilities owned by the district and constructed after June 30,  
117 2009. Each district shall also develop a 5-year program for  
118 phasing in the use of Florida-friendly landscaping on public  
119 property associated with buildings or facilities owned by the  
120 district and constructed before July 1, 2009.

121 Section 5. Section 373.228, Florida Statutes, is amended to  
122 read:

123 373.228 Landscape irrigation design.—

124 (1) The Legislature finds that multiple areas throughout  
125 the state have been identified by water management districts as  
126 water resource caution areas, which indicates that in the near  
127 future water demand in those areas will exceed the current  
128 available water supply and that conservation is one of the



536382

129 mechanisms by which future water demand will be met.

130 (2) The Legislature finds that landscape irrigation  
131 comprises a significant portion of water use and that ~~the~~  
132 current typical landscape irrigation systems ~~system~~ and Florida-  
133 friendly landscaping ~~xeriscape~~ designs offer significant  
134 potential water conservation benefits.

135 (3) It is the intent of the Legislature to improve  
136 landscape irrigation water use efficiency by ensuring that  
137 landscape irrigation systems meet or exceed minimum design  
138 criteria.

139 (4) The water management districts shall work with the  
140 Florida Nursery, ~~Nurserymen and Growers and Landscape~~  
141 Association, the Florida Native Plant Society, the Florida  
142 Chapter of the American Society of Landscape Architects, the  
143 Florida Irrigation Society, the Department of Agriculture and  
144 Consumer Services, the Institute of Food and Agricultural  
145 Sciences, the Department of Environmental Protection, the  
146 Department of Transportation, the Florida League of Cities, the  
147 Florida Association of Counties, and the Florida Association of  
148 Community Developers to develop landscape irrigation and  
149 Florida-friendly landscaping ~~xeriscape~~ design standards for new  
150 construction which incorporate a landscape irrigation system and  
151 develop scientifically based model guidelines for urban,  
152 commercial, and residential landscape irrigation, including drip  
153 irrigation, for plants, trees, sod, and other landscaping. The  
154 ~~landscape and irrigation design~~ standards shall be based on the  
155 irrigation code defined in the Florida Building Code, Plumbing  
156 Volume, Appendix F. Local governments shall use the standards  
157 and guidelines when developing landscape irrigation and Florida-



536382

158 friendly landscaping ~~eriscape~~ ordinances. By January 1, 2011,  
159 the agencies and entities specified in this subsection shall  
160 review the standards and guidelines to determine whether new  
161 research findings require a change or modification of the  
162 standards and guidelines.

163 (5) In evaluating water use applications from public water  
164 suppliers, water management districts shall consider whether the  
165 applicable local government has adopted ordinances for  
166 landscaping and irrigation systems consistent with the Florida-  
167 friendly landscaping provisions of s. 373.185.

168 Section 6. Subsection (3) of section 373.323, Florida  
169 Statutes, is amended to read:

170 373.323 Licensure of water well contractors; application,  
171 qualifications, and examinations; equipment identification.-

172 (3) An applicant who meets the following requirements is  
173 ~~shall be~~ entitled to take the water well contractor licensure  
174 examination ~~to practice water well contracting~~:

175 (a) Is at least 18 years of age.

176 (b) Has at least 2 years of experience in constructing,  
177 repairing, or abandoning water wells. Satisfactory proof of such  
178 experience is demonstrated by providing:

179 1. Evidence of the length of time the applicant has been  
180 engaged in the business of the construction, repair, or  
181 abandonment of water wells as a major activity, as attested to  
182 by a letter from three of the following persons:

183 a. A water well contractor.

184 b. A water well driller.

185 c. A water well parts and equipment vendor.

186 d. A water well inspector employed by a governmental



536382

187 agency.

188 2. A list of at least 10 water wells that the applicant has  
189 constructed, repaired, or abandoned within the preceding 5  
190 years. Of these wells, at least seven must have been  
191 constructed, as defined in s. 373.303(2), by the applicant. The  
192 list must also include:

193 a. The name and address of the owner or owners of each  
194 well.

195 b. The location, primary use, and approximate depth and  
196 diameter of each well.

197 c. The approximate date the construction, repair, or  
198 abandonment of each well was completed.

199 (c) Has completed the application form and remitted a  
200 nonrefundable application fee.

201 Section 7. Subsection (8) of section 373.333, Florida  
202 Statutes, is amended to read:

203 373.333 Disciplinary guidelines; adoption and enforcement;  
204 license suspension or revocation.—

205 (8) The water management district may impose through an  
206 order an administrative fine not to exceed \$5,000 per occurrence  
207 against an unlicensed person if ~~when~~ it determines that the  
208 unlicensed person has engaged in the practice of water well  
209 contracting~~r~~ for which a license is required.

210 Section 8. Section 125.568, Florida Statutes, is amended to  
211 read:

212 125.568 Conservation of water; Florida-friendly landscaping  
213 ~~Xeriscape~~.—

214 (1) (a) The Legislature finds that Florida-friendly  
215 landscaping ~~Xeriscape~~ contributes to the conservation,





536382

216 protection, and restoration of water. In an effort to meet the  
217 water needs of this state in a manner that will supply adequate  
218 and dependable supplies of water where needed, it is the intent  
219 of the Legislature that Florida-friendly landscaping Xeriscape  
220 be an essential part of water conservation and water quality  
221 protection and restoration planning.

222 (b) As used in this section, "Xeriscape" or "Florida-  
223 friendly landscaping" has the same meaning as in s. 373.185  
224 landscape" means quality landscapes that conserve water and  
225 protect the environment and are adaptable to local conditions  
226 and which are drought tolerant. The principles of Xeriscape  
227 include planning and design, appropriate choice of plants, soil  
228 analysis which may include the use of solid waste compost,  
229 practical use of turf, efficient irrigation, appropriate use of  
230 mulches, and proper maintenance.

231 (2) The board of county commissioners of each county shall  
232 consider enacting ordinances, consistent with s. 373.185,  
233 requiring the use of Florida-friendly landscaping Xeriscape as a  
234 water conservation or water quality protection or restoration  
235 measure. If the board determines that such landscaping Xeriscape  
236 would be of significant benefit as a water conservation or water  
237 quality protection or restoration measure, especially for waters  
238 designated as impaired pursuant to s. 403.067, relative to the  
239 cost to implement Florida-friendly Xeriscape landscaping in its  
240 area of jurisdiction, the board shall enact a Florida-friendly  
241 landscaping Xeriscape ordinance. Further, the board of county  
242 commissioners shall consider promoting Florida-friendly  
243 landscaping Xeriscape as a water conservation or water quality  
244 protection or restoration measure by: using such landscaping



536382

245 ~~Xeriscape~~ in any, around, or near facilities, parks, and other  
246 ~~common~~ areas under its jurisdiction which are landscaped after  
247 the effective date of this act; providing public education on  
248 Florida-friendly landscaping ~~Xeriscape~~, its uses in increasing  
249 ~~as a~~ water conservation and water quality protection or  
250 restoration ~~tool~~, and its long-term cost-effectiveness; and  
251 offering incentives to local residents and businesses to  
252 implement Florida-friendly ~~Xeriscape~~ landscaping.

253 (3) (a) The Legislature finds that the use of Florida-  
254 friendly landscaping and other water use and pollution  
255 prevention measures to conserve or protect the state's water  
256 resources serves a compelling public interest and that the  
257 participation of homeowners' associations and local governments  
258 is essential to the state's efforts in water conservation and  
259 water quality protection and restoration.

260 (b) A deed restriction or covenant entered after October 1,  
261 2001, or local government ordinance may not prohibit or be  
262 enforced so as to prohibit any property owner from implementing  
263 ~~Xeriscape~~ or Florida-friendly landscaping ~~landscape~~ on his or  
264 her land or create any requirement or limitation in conflict  
265 with any provision of part II of chapter 373 or a water shortage  
266 order, other order, consumptive use permit, or rule adopted or  
267 issued pursuant to part II of chapter 373.

268 (c) A local government ordinance may not prohibit or be  
269 enforced so as to prohibit any property owner from implementing  
270 Florida-friendly landscaping on his or her land.

271 Section 9. Section 166.048, Florida Statutes, is amended to  
272 read:

273 166.048 Conservation of water; Florida-friendly landscaping



536382

274 ~~Xeriscape.~~—

275           (1) (a) The Legislature finds that Florida-friendly  
276 landscaping ~~Xeriscape~~ contributes to the conservation,  
277 protection, and restoration of water. In an effort to meet the  
278 water needs of this state in a manner that will supply adequate  
279 and dependable supplies of water where needed, it is the intent  
280 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~  
281 be an essential part of water conservation and water quality  
282 protection and restoration planning.

283           (b) As used in this section, ~~“Xeriscape” or “Florida-~~  
284 ~~friendly landscaping”~~ has the same meaning as in s. 373.185  
285 ~~landscape” means quality landscapes that conserve water and~~  
286 ~~protect the environment and are adaptable to local conditions~~  
287 ~~and which are drought tolerant. The principles of Xeriscape~~  
288 ~~include planning and design, appropriate choice of plants, soil~~  
289 ~~analysis which may include the use of solid waste compost,~~  
290 ~~practical use of turf, efficient irrigation, appropriate use of~~  
291 ~~mulches, and proper maintenance.~~

292           (2) The governing body of each municipality shall consider  
293 enacting ordinances, consistent with s. 373.185, requiring the  
294 use of Florida-friendly landscaping ~~Xeriscape~~ as a water  
295 conservation or water quality protection or restoration measure.  
296 If the governing body determines that such landscaping ~~Xeriscape~~  
297 would be of significant benefit as a water conservation or water  
298 quality protection or restoration measure, especially for waters  
299 designated as impaired pursuant to s. 403.067, relative to the  
300 cost to implement Florida-friendly ~~Xeriscape~~ landscaping in its  
301 area of jurisdiction in the municipality, the governing body  
302 ~~board~~ shall enact a Florida-friendly landscaping ~~Xeriscape~~



536382

303 ordinance. Further, the governing body shall consider promoting  
304 Florida-friendly landscaping ~~Xeriscape~~ as a water conservation  
305 or water quality protection or restoration measure by: using  
306 such landscaping ~~Xeriscape~~ in ~~any, around, or near facilities,~~  
307 ~~parks, and other common~~ areas under its jurisdiction which are  
308 landscaped after the effective date of this act; providing  
309 public education on Florida-friendly landscaping ~~Xeriscape~~, its  
310 uses in increasing ~~as a~~ water conservation and water quality  
311 protection or restoration ~~tool~~, and its long-term cost-  
312 effectiveness; and offering incentives to local residents and  
313 businesses to implement Florida-friendly ~~Xeriscape~~ landscaping.

314 (3) (a) The Legislature finds that the use of Florida-  
315 friendly landscaping and other water use and pollution  
316 prevention measures to conserve or protect the state's water  
317 resources serves a compelling public interest and that the  
318 participation of homeowners' associations and local governments  
319 is essential to the state's efforts in water conservation and  
320 water quality protection and restoration.

321 (b) A deed restriction or covenant entered after October 1,  
322 2001, or local government ordinance may not prohibit or be  
323 enforced so as to prohibit any property owner from implementing  
324 Xeriscape or Florida-friendly landscaping landscape on his or  
325 her land or create any requirement or limitation in conflict  
326 with any provision of part II of chapter 373 or a water shortage  
327 order, other order, consumptive use permit, or rule adopted or  
328 issued pursuant to part II of chapter 373.

329 (c) A local government ordinance may not prohibit or be  
330 enforced so as to prohibit any property owner from implementing  
331 Florida-friendly landscaping on his or her land.



536382

332 Section 10. Section 255.259, Florida Statutes, is amended  
333 to read:

334 255.259 Florida-friendly ~~Xeriscape~~ landscaping on public  
335 property.—

336 (1) The Legislature finds that water conservation and water  
337 quality protection and restoration are ~~is~~ increasingly critical  
338 to the continuance of an adequate water supply and healthy  
339 surface and ground waters ~~for the citizens of this state~~. The  
340 Legislature further finds that "Florida-friendly landscaping  
341 ~~Xeriscape~~," as defined in s. 373.185, can contribute  
342 significantly to water ~~the~~ conservation and ~~of~~ water quality  
343 protection and restoration. Finally, the Legislature finds that  
344 state government has the responsibility to promote Florida-  
345 friendly landscaping ~~Xeriscape~~ as a water conservation and water  
346 quality protection and restoration measure by using such  
347 landscaping ~~Xeriscape~~ on public property associated with  
348 publicly owned buildings or facilities.

349 (2) As used in this section, "publicly owned buildings or  
350 facilities" means ~~these~~ construction projects under the purview  
351 of the Department of Management Services. The term ~~It~~ does not  
352 include environmentally endangered land or roads and highway  
353 construction under the purview of the Department of  
354 Transportation.

355 (3) The Department of Management Services, in consultation  
356 with the Department of Environmental Protection, shall adopt  
357 rules and guidelines for the required use of Florida-friendly  
358 landscaping ~~Xeriscape~~ on public property associated with  
359 publicly owned buildings or facilities constructed after June  
360 30, 2009 ~~1992~~. The Department of Management Services ~~also~~ shall



536382

361 also develop a 5-year program for phasing in the use of Florida-  
362 friendly landscaping ~~Xeriscape~~ on public property associated  
363 with publicly owned buildings or facilities constructed before  
364 July 1, 2009 ~~1992~~. In accomplishing these tasks, the Department  
365 of Management Services shall take into account the standards  
366 provided in ~~guidelines set out in~~ s. 373.185(2)(a)-(f). The  
367 Department of Transportation shall implement Florida-friendly  
368 ~~Xeriscape~~ landscaping pursuant to s. 335.167.

369 (4) (a) The Legislature finds that the use of Florida-  
370 friendly landscaping and other water use and pollution  
371 prevention measures to conserve or protect the state's water  
372 resources serves a compelling public interest and that the  
373 participation of homeowners' associations and local governments  
374 is essential to the state's efforts in water conservation and  
375 water quality protection and restoration.

376 (b) A deed restriction or covenant entered after October 1,  
377 2001, or local government ordinance may not prohibit or be  
378 enforced so as to prohibit any property owner from implementing  
379 ~~Xeriscape~~ or Florida-friendly landscaping ~~landscape~~ on his or  
380 her land or create any requirement or limitation in conflict  
381 with any provision of part II of chapter 373 or a water shortage  
382 order, other order, consumptive use permit, or rule adopted or  
383 issued pursuant to part II of chapter 373.

384 (c) A local government ordinance may not prohibit or be  
385 enforced so as to prohibit any property owner from implementing  
386 Florida-friendly landscaping on his or her land.

387 Section 11. Section 335.167, Florida Statutes, is amended  
388 to read:

389 335.167 State highway construction and maintenance;



536382

390 ~~Xeriscape~~ or Florida-friendly landscaping.-

391 (1) The department shall use and require the use of  
392 Florida-friendly landscaping ~~Xeriscape~~ practices, as defined in  
393 s. 373.185(1), in the construction and maintenance of all new  
394 state highways, wayside parks, access roads, welcome stations,  
395 and other state highway rights-of-way constructed upon or  
396 acquired after June 30, 2009 ~~1992~~. The department shall develop  
397 a 5-year program for phasing in the use of Florida-friendly  
398 landscaping ~~Xeriscape~~, including the use of solid waste compost,  
399 in state highway rights-of-way constructed upon or acquired  
400 before July 1, 2009 ~~1992~~. In accomplishing these tasks, the  
401 department shall employ the standards ~~guidelines~~ set out in s.  
402 373.185(2) (a) ~~(f)~~.

403 (2) (a) The Legislature finds that the use of Florida-  
404 friendly landscaping and other water use and pollution  
405 prevention measures to conserve or protect the state's water  
406 resources serves a compelling public interest and that the  
407 participation of homeowners' associations and local governments  
408 is essential to the state's efforts in water conservation and  
409 water quality protection and restoration.

410 (b) A deed restriction or covenant entered after October 1,  
411 2001, or local government ordinance may not prohibit or be  
412 enforced so as to prohibit any property owner from implementing  
413 ~~Xeriscape~~ or Florida-friendly landscaping ~~landscape~~ on his or  
414 her land or create any requirement or limitation in conflict  
415 with any provision of part II of chapter 373 or a water shortage  
416 order, other order, consumptive use permit, or rule adopted or  
417 issued pursuant to part II of chapter 373.

418 (c) A local government ordinance may not prohibit or be



536382

419 enforced so as to prohibit any property owner from implementing  
420 Florida-friendly landscaping on his or her land.

421 Section 12. Paragraph (a) of subsection (3) of section  
422 380.061, Florida Statutes, is amended to read:

423 380.061 The Florida Quality Developments program.—

424 (3) (a) To be eligible for designation under this program,  
425 the developer shall comply with each of the following  
426 requirements if ~~which is~~ applicable to the site of a qualified  
427 development:

428 1. Donate or enter ~~Have donated or entered~~ into a binding  
429 commitment to donate the fee or a lesser interest sufficient to  
430 protect, in perpetuity, the natural attributes of the types of  
431 land listed below. In lieu of this ~~the above~~ requirement, the  
432 developer may enter into a binding commitment that ~~which~~ runs  
433 with the land to set aside such areas on the property, in  
434 perpetuity, as open space to be retained in a natural condition  
435 or as otherwise permitted under this subparagraph. Under the  
436 requirements of this subparagraph, the developer may reserve the  
437 right to use such areas for ~~the purpose of~~ passive recreation  
438 that is consistent with the purposes for which the land was  
439 preserved.

440 a. Those wetlands and water bodies throughout the state  
441 which ~~as~~ would be delineated if the provisions of s.  
442 373.4145(1) (b) were applied. The developer may use such areas  
443 for the purpose of site access, provided other routes of access  
444 are unavailable or impracticable; may use such areas for the  
445 purpose of stormwater or domestic sewage management and other  
446 necessary utilities if ~~to the extent that~~ such uses are  
447 permitted pursuant to chapter 403; or may redesign or alter





536382

448 wetlands and water bodies within the jurisdiction of the  
449 Department of Environmental Protection which have been  
450 artificially created, if the redesign or alteration is done so  
451 as to produce a more naturally functioning system.

452 b. Active beach or primary and, where appropriate,  
453 secondary dunes, to maintain the integrity of the dune system  
454 and adequate public accessways to the beach. However, the  
455 developer may retain the right to construct and maintain  
456 elevated walkways over the dunes to provide access to the beach.

457 c. Known archaeological sites determined to be of  
458 significance by the Division of Historical Resources of the  
459 Department of State.

460 d. Areas known to be important to animal species designated  
461 as endangered or threatened ~~animal species~~ by the United States  
462 Fish and Wildlife Service or by the Fish and Wildlife  
463 Conservation Commission, for reproduction, feeding, or nesting;  
464 for traveling between such areas used for reproduction, feeding,  
465 or nesting; or for escape from predation.

466 e. Areas known to contain plant species designated as  
467 endangered ~~plant species~~ by the Department of Agriculture and  
468 Consumer Services.

469 2. Produce, or dispose of, no substances designated as  
470 hazardous or toxic substances by the United States Environmental  
471 Protection Agency, ~~or by~~ the Department of Environmental  
472 Protection, or the Department of Agriculture and Consumer  
473 Services. This subparagraph does ~~is not intended to~~ apply to the  
474 production of these substances in nonsignificant amounts as  
475 would occur through household use or incidental use by  
476 businesses.



536382

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

479           4. Incorporate no dredge and fill activities in, and no  
480 stormwater discharge into, waters designated as Class II,  
481 aquatic preserves, or Outstanding Florida Waters, except as  
482 ~~activities in those waters are~~ permitted pursuant to s.  
483 403.813(2), and the developer demonstrates that those activities  
484 meet the standards under Class II waters, Outstanding Florida  
485 Waters, or aquatic preserves, as applicable.

486           5. Include open space, recreation areas, Florida-friendly  
487 landscaping ~~Xeriscape~~ as defined in s. 373.185, and energy  
488 conservation and minimize impermeable surfaces as appropriate to  
489 the location and type of project.

490           6. Provide for construction and maintenance of all onsite  
491 infrastructure necessary to support the project and enter into a  
492 binding commitment with local government to provide an  
493 appropriate fair-share contribution toward the offsite impacts  
494 that ~~which~~ the development will impose on publicly funded  
495 facilities and services, except offsite transportation, and  
496 condition or phase the commencement of development to ensure  
497 that public facilities and services, except offsite  
498 transportation, are ~~will be~~ available concurrent with the  
499 impacts of the development. For the purposes of offsite  
500 transportation impacts, the developer shall comply, at a  
501 minimum, with the standards of the state land planning agency's  
502 development-of-regional-impact transportation rule, the approved  
503 strategic regional policy plan, any applicable regional planning  
504 council transportation rule, and the approved local government  
505 comprehensive plan and land development regulations adopted



536382

506 pursuant to part II of chapter 163.

507 7. Design and construct the development in a manner that is  
508 consistent with the adopted state plan, the applicable strategic  
509 regional policy plan, and the applicable adopted local  
510 government comprehensive plan.

511 Section 13. Subsection (3) of section 388.291, Florida  
512 Statutes, is amended to read:

513 388.291 Source reduction measures; supervision by  
514 department.—

515 (3) Property owners in a developed residential area shall  
516 ~~are required to~~ maintain their property in ~~such~~ a manner that  
517 does so as not ~~to~~ create or maintain any standing freshwater  
518 condition capable of breeding mosquitoes or other arthropods in  
519 significant numbers so as to constitute a public health,  
520 welfare, or nuisance problem. ~~Nothing in~~ This subsection does  
521 not authorize ~~shall permit~~ the alteration of permitted  
522 stormwater management systems or prohibit maintained fish ponds,  
523 Florida-friendly landscaping ~~veriscaping~~, or other maintained  
524 systems of landscaping or vegetation. If such a condition is  
525 found to exist, the local arthropod control agency shall serve  
526 notice on the property owner to treat, remove, or abate the  
527 condition. Such notice is ~~shall serve as~~ prima facie evidence of  
528 maintaining a nuisance, and upon failure of the property owner  
529 to treat, remove, or abate the condition, the local arthropod  
530 control agency or any affected citizen may proceed pursuant to  
531 s. 60.05 to enjoin the nuisance and may recover costs and  
532 attorney's fees if they prevail in the action.

533 Section 14. Subsection (6) of section 481.303, Florida  
534 Statutes, is amended to read:



536382

535 481.303 Definitions.—As used in this chapter:

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

538 (a) Consultation, investigation, research, planning,  
539 design, preparation of drawings, specifications, contract  
540 documents and reports, responsible construction supervision, or  
541 landscape management in connection with the planning and  
542 development of land and incidental water areas, including the  
543 use of Florida-friendly landscaping ~~Xeriscape~~ as defined in s.  
544 373.185, where, and to the extent that, the dominant purpose of  
545 such services or creative works is the preservation,  
546 conservation, enhancement, or determination of proper land uses,  
547 natural land features, ground cover and plantings, or  
548 naturalistic and aesthetic values;

549 (b) The determination of settings, grounds, and approaches  
550 for and the siting of buildings and structures, outdoor areas,  
551 or other improvements;

552 (c) The setting of grades, shaping and contouring of land  
553 and water forms, determination of drainage, and provision for  
554 storm drainage and irrigation systems where such systems are  
555 necessary to the purposes outlined herein; and

556 (d) The design of such tangible objects and features as are  
557 necessary to the purpose outlined herein.

558 Section 15. Subsection (4) of section 720.3075, Florida  
559 Statutes, is amended to read:

560 720.3075 Prohibited clauses in association documents.—

561 (4) (a) The Legislature finds that the use of Florida-  
562 friendly landscaping and other water use and pollution  
563 prevention measures to conserve or protect the state's water



536382

564 resources serves a compelling public interest and that the  
565 participation of homeowners' associations and local governments  
566 is essential to the state's efforts in water conservation and  
567 water quality protection and restoration.

568 (b) Homeowners' association documents, including  
569 declarations of covenants, articles of incorporation, or bylaws,  
570 ~~entered after October 1, 2001,~~ may not prohibit or be enforced  
571 so as to prohibit any property owner from implementing ~~Xeriscape~~  
572 ~~or~~ Florida-friendly landscaping landscape, as defined in s.  
573 373.185(1), on his or her land or create any requirement or  
574 limitation in conflict with any provision of part II of chapter  
575 373 or a water shortage order, other order, consumptive use  
576 permit, or rule adopted or issued pursuant to part II of chapter  
577 373.

578  
579 ===== T I T L E A M E N D M E N T =====

580 And the title is amended as follows:

581 Delete line 31

582 and insert:

583 certain Class I landfills; amending s. 373.185, F.S.; revising  
584 the definition of Florida-friendly landscaping; deleting  
585 references to "xeriscape"; requiring water management districts  
586 to provide model Florida-friendly landscaping ordinances to  
587 local governments; revising eligibility criteria for certain  
588 incentive programs of the water management districts; requiring  
589 certain local government ordinances and amendments to include  
590 certain design standards and identify specified invasive exotic  
591 plant species; requiring water management districts to consult  
592 with additional entities for activities relating to Florida-



536382

593 friendly landscaping practices; specifying programs for the  
594 delivery of educational programs relating to such practices;  
595 providing legislative findings; providing that certain  
596 regulations prohibiting the implementation of Florida-friendly  
597 landscaping or conflicting with provisions governing the  
598 permitting of consumptive uses of water are prohibited;  
599 providing that the act does not limit the authority of the  
600 department or the water management districts to require Florida-  
601 friendly landscaping ordinances or practices as a condition of  
602 certain permit; creating s. 373.187, F.S.; requiring water  
603 management districts to implement Florida-friendly landscaping  
604 practices on specified properties; requiring districts to  
605 develop specified programs for implementing such practices on  
606 other specified properties; amending s. 373.228, F.S.; requiring  
607 water management districts to work with specified entities to  
608 develop certain standards; requiring water management districts  
609 to consider certain information in evaluating water use  
610 applications from public water suppliers; conforming provisions  
611 to changes made by the act; amending s. 373.323, F.S.; revising  
612 application requirements for water well contractor licensure;  
613 requiring applicants to provide specified documentation;  
614 amending s. 373.333, F.S.; authorizing an administrative fine to  
615 be imposed for each occurrence of unlicensed well water  
616 contracting; amending ss. 125.568, 166.048, 255.259, 335.167,  
617 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming  
618 provisions to changes made by the act; revising provisions  
619 requiring the use of Florida-friendly landscaping for specified  
620 public properties and highway construction and maintenance  
621 projects; providing an effective