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1 A bill to be entitled
2 An act relating to water resources; creating s.
3 373.0363, F.S.; providing definitions; providing
4 legislative findings and intent; providing criteria
5 for the Southwest Florida Water Management District to
6 meet in implementing the West-Central Florida Water
7 Restoration Action Plan; requiring that the district
8 coordinate with regional water supply authorities and
9 governmental entities to maximize opportunities
10 concerning the efficient expenditure of public funds;
11 specifying the plan's purpose; specifying the
12 initiatives that are included in the plan; providing
13 criteria for implementing the Central West Coast
14 Surface Water Enhancement Initiative, the Facilitating
15 Agricultural Resource Management Systems Initiative,
16 the Ridge Lakes Restoration Initiative, the Upper
17 Peace River Watershed Restoration Initiative, and the
18 Central Florida Water Resource Development Initiative
19 and certain components or projects included in such
20 initiatives; providing for the Southwest Florida Water
21 Management District to include specified criteria
22 concerning implementation of the plan, regional
23 conditions, and the use of funds in specified annual
24 reports; requiring that the Southwest Florida Water
25 Management District develop and submit a plan to the
26 Legislature; providing for approval of the plan;
27 repealing s. 23, ch. 2008-150, Laws of Florida,
28 relating to a provision prohibiting the Department of
29 Environmental Protection from issuing a permit for

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30 certain Class I landfills; reenacting s. 373.069,
31 F.S., relating to the creation of the water management
32 districts, pursuant to the provisions of the Florida
33 Government Accountability Act; amending s. 373.0693,
34 F.S.; limiting the period of time a basin board member
35 may serve after the end of a term; reducing the number
36 of members on the Manasota Basin Board; eliminating
37 the Oklawaha River Basin Advisory Council; removing ex
38 officio designation of basin board chairs; removing a
39 restriction on the voting authority of the chair;
40 amending s. 373.073, F.S.; revising the membership of
41 water management district governing boards; providing
42 for appointment of members commencing on a specified
43 date; amending s. 373.079, F.S.; requiring a water
44 management district's governing board to delegate to
45 the executive director its authority to approve
46 certain permits or grant variances or waivers of
47 permitting requirements; authorizing the executive
48 director to execute such delegated authority through
49 designated staff members; providing that such
50 delegations are exempt from specified rulemaking
51 requirements; authorizing water management district
52 governing boards, basin boards, committees, and
53 advisory boards to conduct meetings by means of
54 communications media technology; amending s. 373.083,
55 F.S.; requiring water management district governing
56 boards to delegate to the water management district's
57 executive director authority to approve certain
58 permits or grant variances or waivers of permitting

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59 requirements; authorizing the executive director to
60 execute such delegated authority through designated
61 staff members; providing that such delegations are
62 exempt from specified rulemaking requirements;
63 amending s. 373.118, F.S.; removing provisions
64 authorizing water management district governing boards
65 to delegate authority to issue general permits to the
66 executive director; amending s. 373.323, F.S.;

67 revising application requirements for water well
68 contractor licensure; requiring applicants to provide
69 specified documentation; amending s. 373.236, F.S.;

70 authorizing water management districts to issue 50-
71 year consumptive use permits to specified entities for
72 certain alternative water supply development projects;
73 providing for compliance reporting and review,
74 modification, and revocation relating to such permits;

75 authorizing 25-year consumptive use permits for
76 renewable energy generating facilities and specified
77 lands used in the production of renewable energy under
78 certain conditions; providing that such permits are
79 subject to compliance reports; amending s. 373.243,
80 F.S.; providing for the revocation of certain
81 consumptive use permits for renewable energy
82 generating facilities and specified lands used in the
83 production of renewable energy; amending s. 373.536,
84 F.S.; authorizing substantive legislative committee
85 chairs to provide input on proposed water management
86 district budgets; amending s. 373.584, F.S.; providing
87 a limitation on certain bonding for water management

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88 districts; authorizing the Joint Legislative Budget
89 Commission to approve bonding exceeding such
90 limitation; exempting certain outstanding bonds from
91 such limitation and its calculation; amending s.
92 373.59, F.S.; expanding water management district
93 lands eligible to receive payment in lieu of taxes;
94 revising the method used to determine eligibility for
95 such payment; amending s. 373.5905, F.S.; providing
96 conditions for reinstatement of payments in lieu of
97 taxes and their duration; repealing s. 373.465, F.S.,
98 to eliminate the Lake Panasoffkee Restoration Council;
99 repealing s. 373.466, F.S., to eliminate the Lake
100 Panasoffkee restoration program; amending s. 373.185,
101 F.S.; revising the definition of Florida-friendly
102 landscaping; deleting references to "xeriscape";
103 requiring water management districts to provide model
104 Florida-friendly landscaping ordinances to local
105 governments; revising eligibility criteria for certain
106 incentive programs of the water management districts;
107 requiring certain local government ordinances and
108 amendments to include certain design standards and
109 identify specified invasive exotic plant species;
110 requiring water management districts to consult with
111 additional entities for activities relating to
112 Florida-friendly landscaping practices; specifying
113 programs for the delivery of educational programs
114 relating to such practices; providing legislative
115 findings; providing that certain regulations
116 prohibiting the implementation of Florida-friendly

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117 landscaping or conflicting with provisions governing
118 the permitting of consumptive uses of water are
119 prohibited; providing that the act does not limit the
120 authority of the department or the water management
121 districts to require Florida-friendly landscaping
122 ordinances or practices as a condition of certain
123 permit; creating s. 373.187, F.S.; requiring water
124 management districts to implement Florida-friendly
125 landscaping practices on specified properties;
126 requiring districts to develop specified programs for
127 implementing such practices on other specified
128 properties; amending s. 373.228, F.S.; requiring water
129 management districts to work with specified entities
130 to develop certain standards; requiring water
131 management districts to consider certain information
132 in evaluating water use applications from public water
133 suppliers; conforming provisions to changes made by
134 the act; amending s. 373.333, F.S.; authorizing an
135 administrative fine to be imposed for each occurrence
136 of unlicensed well water contracting; amending ss.
137 125.568, 166.048, 255.259, 335.167, 380.061, 388.291,
138 481.303, and 720.3075, F.S.; conforming provisions to
139 changes made by the act; revising provisions requiring
140 the use of Florida-friendly landscaping for specified
141 public properties and highway construction and
142 maintenance projects; providing an effective date.

143
144 Be It Enacted by the Legislature of the State of Florida:
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146 Section 1. Section 373.0363, Florida Statutes, is created
147 to read:

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

149 (a) "Central Florida Coordination Area" means all of Polk,
150 Osceola, Orange, and Seminole Counties, and southern Lake
151 County, as designated by the Southwest Florida Water Management
152 District, the South Florida Water Management District, and the
153 St. Johns River Water Management District.

154 (b) "District" means the Southwest Florida Water Management
155 District.

156 (c) "Southern Water Use Caution Area" means an area that
157 the district designated, after extensive collection of data and
158 numerous studies, in order to comprehensively manage water
159 resources in the Southern West-Central Groundwater Basin, which
160 includes all of Desoto, Hardee, Manatee, and Sarasota Counties
161 and parts of Charlotte, Highlands, Hillsborough, and Polk
162 Counties.

163 (d) "Southern Water Use Caution Area Recovery Strategy"
164 means the district's planning, regulatory, and financial
165 strategy for ensuring that adequate water supplies are available
166 to meet growing demands while protecting and restoring the water
167 and related natural resources of the area.

168 (e) "West-Central Florida Water Restoration Action Plan"
169 means the district's regional environmental restoration and
170 water-resource sustainability program for the Southern Water Use
171 Caution Area.

172 (2) The Legislature finds that:

173 (a) In response to the growing demands from public supply,
174 agriculture, mining, power generation, and recreational users,

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175 ground water withdrawals in the Southern Water Use Caution Area
176 have steadily increased for nearly a century before peaking in
177 the mid-1970s. These withdrawals resulted in declines in aquifer
178 levels throughout the ground water basin, which in some areas
179 exceeded 50 feet.

180 (b) While ground water withdrawals have since stabilized as
181 a result of the district's management efforts, depressed aquifer
182 levels continue to result in saltwater intrusion, reduced flows
183 in the Upper Peace River, lowered water levels, and adverse
184 water quality impacts for some lakes in the Lake Wales Ridge
185 areas of Polk and Highlands Counties.

186 (c) In response to these resource concerns, and as directed
187 by s. 373.036, the district determined that traditional sources
188 of water in the region are not adequate to supply water for all
189 existing and projected reasonable and beneficial uses and to
190 sustain the water resources and related natural systems.

191 (d) The expeditious implementation of the Southern Water
192 Use Caution Area Recovery Strategy is needed to meet the minimum
193 flow requirement for the Upper Peace River, slow saltwater
194 intrusion, provide for improved lake levels and water quality
195 along the Lake Wales Ridge, and ensure sufficient water supplies
196 for all existing and projected reasonable and beneficial uses.

197 (e) Sufficient research has been conducted and sufficient
198 plans developed to immediately expand and accelerate programs to
199 sustain the water resources and related natural systems in the
200 Southern Water Use Caution Area.

201 (f) The implementation of components of the Southern Water
202 Use Caution Area Recovery Strategy, which are contained in the
203 West-Central Florida Water Restoration Action Plan, is for the

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204 benefit of the public health, safety, and welfare and is in the
205 public interest.

206 (g) The implementation of the West-Central Florida Water
207 Restoration Action Plan is necessary to meet the minimum flow
208 requirement for the Upper Peace River, slow saltwater intrusion,
209 provide for improved lake levels and water quality along the
210 Lake Wales Ridge, and ensure sufficient water supplies for all
211 existing and projected reasonable and beneficial uses.

212 (h) A continuing source of funding is needed to effectively
213 implement the West-Central Florida Water Restoration Action
214 Plan.

215 (3) The district shall implement the West-Central Florida
216 Water Restoration Action Plan in a manner that furthers
217 progressive strategies for the management of water resources, is
218 watershed-based, provides for consideration of water quality
219 issues, and includes monitoring, the development and
220 implementation of best-management practices, and structural and
221 nonstructural projects, including public works projects. The
222 district shall coordinate its implementation of the plan with
223 regional water supply authorities, public and private
224 partnerships, and local, state, and federal partners in order to
225 maximize opportunities for the most efficient and timely
226 expenditures of public funds.

227 (4) The West-Central Florida Water Restoration Action Plan
228 includes:

229 (a) The Central West Coast Surface Water Enhancement
230 Initiative. The purpose of this initiative is to make additional
231 surface waters available for public supply through restoration
232 of surface waters, natural water flows, and freshwater wetland

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233 communities. This initiative is designed to allow limits on
234 groundwater withdrawals in order to slow the rate of saltwater
235 intrusion. The initiative shall be an ongoing program in
236 cooperation with the Peace River-Manasota Regional Water Supply
237 Authority created under s. 373.1962.

238 (b) The Facilitating Agricultural Resource Management
239 Systems Initiative. The purpose of this initiative is to
240 expedite the implementation of production-scale, best management
241 practices in the agricultural sector, which will result in
242 reductions in groundwater withdrawals and improvements in water
243 quality, water resources, and ecology. The initiative is a cost-
244 share reimbursement program to provide funding incentives to
245 agricultural landowners for the implementation of best
246 management practices. The initiative shall be implemented by the
247 district in cooperation with the Department of Agriculture and
248 Consumer Services. Cooperative funding programs approved by the
249 governing board shall not be subject to the rulemaking
250 requirements of chapter 120. However, any portion of an approved
251 program which affects the substantial interests of a party shall
252 be subject to s. 120.569.

253 (c) The Ridge Lakes Restoration Initiative. The purpose of
254 this initiative is to protect, restore, and enhance natural
255 systems and flood protection by improving and protecting the
256 water quality of approximately 130 lakes located along the Lake
257 Wales Ridge in Polk and Highlands Counties, which quality is
258 threatened by stormwater runoff, wastewater effluent, fertilizer
259 applications, groundwater pollution, degradation of shoreline
260 habitats, and hydrologic alterations. This initiative shall be
261 accomplished through the construction of systems designed to

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262 treat the stormwater runoff that threatens the water quality of
263 such lakes. Such systems include swales, retention basins, and
264 long infiltration basins, if feasible.

265 (d) The Upper Peace River Watershed Restoration Initiative.
266 The purpose of this initiative is to improve the quality of
267 waters and ecosystems in the watershed of the Upper Peace River
268 by recharging aquifers, restoring the flow of surface waters,
269 and restoring the capacity of natural systems to store surface
270 waters. The Legislature finds that such improvements are
271 necessary because the quantity and quality of the fresh water
272 that flows to the basin of the Peace River and Charlotte Harbor
273 are adversely affected by the significant alteration and
274 degradation of the watershed of the Upper Peace River and
275 because restoration of the watershed of the Upper Peace River is
276 a critical component of the Charlotte Harbor National Estuary
277 Program's Comprehensive Conservation and Management Plan, the
278 Southwest Florida Water Management District's Surface Water
279 Improvement and Management Plan, and the Southern Water Use
280 Caution Area Recovery Strategy. This initiative shall include an
281 Upper Peace River Component. In addition to the initiative's
282 other purposes, this component will provide a critical link to a
283 major greenway that extends from the lower southwest coast of
284 this state through the watershed of the Peace River and the
285 Green Swamp and further north to the Ocala National Forest.

286 (e) The Central Florida Water Resource Development
287 Initiative. The purpose of this initiative is to create and
288 implement a long-term plan that takes a comprehensive approach
289 to limit ground water withdrawals in the Southern Water Use
290 Caution Area and to identify and develop alternative water

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291 supplies for Polk County. The project components developed
292 pursuant to this initiative are eligible for state and regional
293 funding under s. 373.196 as an alternative water supply, as
294 defined in s. 373.019, or as a supplemental water supply under
295 the rules of the Southwest Florida Water Management District or
296 the South Florida Water Management District. The initiative
297 shall be implemented by the district as an ongoing program in
298 cooperation with Polk County and the South Florida Water
299 Management District.

300 (5) As part of the consolidated annual report required
301 pursuant s. 373.036(7), the district may include:

302 (a) A summary of the conditions of the Southern Water Use
303 Caution Area, including the status of the components of the
304 West-Central Florida Water Restoration Action Plan.

305 (b) An annual accounting of the expenditure of funds. The
306 accounting must, at a minimum, provide details of expenditures
307 separately by plan component and any subparts of a plan
308 component, and include specific information about amount and use
309 of funds from federal, state, and local government sources. In
310 detailing the use of these funds, the district shall indicate
311 those funds that are designated to meet requirements for
312 matching funds.

313 (6) The district shall submit the West-Central Florida
314 Water Restoration Action Plan developed pursuant to subsection
315 (4) to the President of the Senate and the Speaker of the House
316 of Representatives prior to the 2010 regular legislative session
317 for review. If the Legislature takes no action on the plan
318 during the 2010 regular legislative session, the plan shall be
319 deemed approved.

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320 Section 2. Section 23 of chapter 2008-150, Laws of Florida,
321 is repealed.

322 Section 3. Section 373.069, Florida Statutes, is reenacted.

323 Section 4. Subsections (3), (6), and (7) and paragraph (a)
324 of subsection (8) of section 373.0693, Florida Statutes, are
325 amended to read:

326 373.0693 Basins; basin boards.—

327 (3) Each member of the various basin boards shall serve for
328 a period of 3 years or until a successor is appointed, but not
329 more than 180 days after the end of the term, except that the
330 board membership of each new basin shall be divided into three
331 groups as equally as possible, with members in such groups to be
332 appointed for 1, 2, and 3 years, respectively. Each basin board
333 shall choose a vice chair and a secretary to serve for a period
334 of 1 year. The term of office of a basin board member shall be
335 construed to commence on March 2 preceding the date of
336 appointment and to terminate March 1 of the year of the end of a
337 term or may continue until a successor is appointed, but not
338 more than 180 days after the end of the expired term.

339 (6) (a) Notwithstanding the provisions of any other general
340 or special law to the contrary, a member of the governing board
341 of the district residing in the basin or, if no member resides
342 in the basin, a member of the governing board designated by the
343 chair of the governing board shall be the ~~ex officio~~ chair of
344 the basin board. The ~~ex officio~~ chair shall preside at all
345 meetings of the basin board, except that the vice chair may
346 preside in his or her absence. The ~~ex officio~~ chair shall ~~have~~
347 ~~no official vote, except in case of a tie vote being cast by the~~
348 ~~members, but~~ shall be the liaison officer of the district in all

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349 affairs in the basin and shall be kept informed of all such
350 affairs.

351 (b) Basin boards within the Southwest Florida Water
352 Management District shall meet regularly as determined by a
353 majority vote of the basin board members. Subject to notice
354 requirements of chapter 120, special meetings, both emergency
355 and nonemergency, may be called either by the ~~ex-officio~~ chair
356 or the elected vice chair of the basin board or upon request of
357 two basin board members. The district staff shall include on the
358 agenda of any basin board meeting any item for discussion or
359 action requested by a member of that basin board. The district
360 staff shall notify any basin board, as well as their respective
361 counties, of any vacancies occurring in the district governing
362 board or their respective basin boards.

363 (7) At 11:59 p.m. on December 31, 1976, the Manasota
364 Watershed Basin of the Ridge and Lower Gulf Coast Water
365 Management District, which is annexed to the Southwest Florida
366 Water Management District by change of its boundaries pursuant
367 to chapter 76-243, Laws of Florida, shall be formed into a
368 subdistrict or basin of the Southwest Florida Water Management
369 District, subject to the same provisions as the other basins in
370 such district. Such subdistrict shall be designated initially as
371 the Manasota Basin. The members of the governing board of the
372 Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water
373 Management District shall become members of the governing board
374 of the Manasota Basin of the Southwest Florida Water Management
375 District. Notwithstanding other provisions in this section,
376 beginning on July 1, 2001, the membership of the Manasota Basin
377 Board shall be comprised of two ~~three~~ members from Manatee

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378 County and two ~~three~~ members from Sarasota County. Matters
379 relating to tie votes shall be resolved pursuant to subsection
380 (6) by the ~~ex-officio~~ chair designated by the governing board to
381 vote in case of a tie vote.

382 (8) (a) At 11:59 p.m. on June 30, 1988, the area transferred
383 from the Southwest Florida Water Management District to the St.
384 Johns River Water Management District by change of boundaries
385 pursuant to chapter 76-243, Laws of Florida, shall cease to be a
386 subdistrict or basin of the St. Johns River Water Management
387 District known as the Oklawaha River Basin and said Oklawaha
388 River Basin shall cease to exist. However, any recognition of an
389 Oklawaha River Basin or an Oklawaha River Hydrologic Basin for
390 regulatory purposes shall be unaffected. The area formerly known
391 as the Oklawaha River Basin shall continue to be part of the St.
392 Johns River Water Management District. ~~There shall be~~
393 ~~established by the governing board of the St. Johns River Water~~
394 ~~Management District the Oklawaha River Basin Advisory Council to~~
395 ~~receive public input and advise the St. Johns River Water~~
396 ~~Management District's governing board on water management issues~~
397 ~~affecting the Oklawaha River Basin. The Oklawaha River Basin~~
398 ~~Advisory Council shall be appointed by action of the St. Johns~~
399 ~~River Water Management District's governing board and shall~~
400 ~~include one representative from each county which is wholly or~~
401 ~~partly included in the Oklawaha River Basin. The St. Johns River~~
402 ~~Water Management District's governing board member currently~~
403 ~~serving pursuant to s. 373.073(2)(c)3. shall serve as chair of~~
404 ~~the Oklawaha River Basin Advisory Council. Members of the~~
405 ~~Oklawaha River Basin Advisory Council shall receive no~~
406 ~~compensation for their services but are entitled to be~~

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407 ~~reimbursed for per diem and travel expenses as provided in s.~~
408 ~~112.061.~~

409 Section 5. Paragraph (b) of subsection (1) of section
410 373.073, Florida Statutes, is amended to read:

411 373.073 Governing board.—

412 (1)

413 (b) Commencing January 1, 2011 ~~1999~~, the Governor shall
414 appoint the following number of governing board members in each
415 year of the Governor's 4-year term of office:

416 1. In the first year of the Governor's term of office, the
417 Governor shall appoint four members to the governing board of
418 the Southwest Florida Water Management District and appoint
419 three members to the governing board of each other district.

420 2. In the second year of the Governor's term of office, the
421 Governor shall appoint three members to the governing board of
422 the Southwest Florida Water Management District and two members
423 to the governing board of each other district.

424 3. In the third year of the Governor's term of office, the
425 Governor shall appoint three members to the governing board of
426 the Southwest Florida Water Management District and two members
427 to the governing board of each other district.

428 4. In the fourth year of the Governor's term of office, the
429 Governor shall appoint three members to the governing board of
430 the Southwest Florida Water Management District and two members
431 to the governing board of each other district.

432

433 For any governing board vacancy that occurs before the date
434 scheduled for the office to be filled under this paragraph, the
435 Governor shall appoint a person meeting residency requirements

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436 of subsection (2) for a term that will expire on the date
437 scheduled for the term of that office to terminate under this
438 subsection. In addition to the residency requirements for the
439 governing boards as provided by subsection (2), the Governor
440 shall consider appointing governing board members to represent
441 an equitable cross-section of regional interests and technical
442 expertise.

443 Section 6. Subsections (4) and (7) of section 373.079,
444 Florida Statutes, are amended to read:

445 373.079 Members of governing board; oath of office; staff.—

446 (4) (a) The governing board of the district is authorized to
447 employ an executive director, ombudsman, and such engineers,
448 other professional persons, and other personnel and assistants
449 as it deems necessary and under such terms and conditions as it
450 may determine and to terminate such employment. The appointment
451 of an executive director by the governing board is subject to
452 approval by the Governor and must be initially confirmed by the
453 Florida Senate. The governing board may delegate all or part of
454 its authority under this paragraph to the executive director.
455 However, the governing board shall delegate to the executive
456 director all of its authority to take final action on permit
457 applications under part II or part IV or petitions for variances
458 or waivers of permitting requirements under part II or part IV,
459 except for denials of such actions as provided in s.
460 373.083(5).The executive director may execute such delegated
461 authority through designated staff members. Such delegations
462 shall not be subject to the rulemaking requirements of chapter
463 120. The executive director must be confirmed by the Senate upon
464 employment and must be confirmed or reconfirmed by the Senate

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465 during the second regular session of the Legislature following a
466 gubernatorial election.

467 (b)1. The governing board of each water management district
468 shall employ an inspector general, who shall report directly to
469 the board. However, the governing boards of the Suwannee River
470 Water Management District and the Northwest Florida Water
471 Management District may jointly employ an inspector general, or
472 provide for inspector general services by interagency agreement
473 with a state agency or water management district inspector
474 general.

475 2. An inspector general must have the qualifications
476 prescribed and perform the applicable duties of state agency
477 inspectors general as provided in s. 20.055.

478 (7) The governing board shall meet at least once a month
479 and upon call of the chair. The governing board, a basin board,
480 a committee, or an advisory board may conduct meetings by means
481 of communications media technology in accordance with rules
482 adopted pursuant to s. 120.54.

483 Section 7. Subsection (5) of section 373.083, Florida
484 Statutes, is amended to read:

485 373.083 General powers and duties of the governing board.—
486 In addition to other powers and duties allowed it by law, the
487 governing board is authorized to:

488 (5) Execute any of the powers, duties, and functions vested
489 in the governing board through a member or members thereof, the
490 executive director, or other district staff as designated by the
491 governing board. The governing board may establish the scope and
492 terms of any delegation. The ~~However, if the~~ governing board
493 shall delegate to the executive director all of its delegates

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494 ~~the~~ authority to take final action on permit applications under
495 part II or part IV~~7~~, or petitions for variances or waivers of
496 permitting requirements under part II or part IV, and the
497 executive director may execute such delegated authority through
498 designated staff. Such delegations shall not be subject to the
499 rulemaking requirements of chapter 120. However, the governing
500 board shall provide a process for referring any denial of such
501 application or petition to the governing board to take final
502 action. Such process shall expressly prohibit any member of a
503 governing board from intervening in any manner during the review
504 of an application prior to such application being referred to
505 the governing board for final action. The authority in this
506 subsection is supplemental to any other provision of this
507 chapter granting authority to the governing board to delegate
508 specific powers, duties, or functions.

509 Section 8. Present subsection (4) of section 373.118,
510 Florida Statutes, is amended, and subsection (5) of that section
511 is renumbered as subsection (4), to read:

512 373.118 General permits; delegation.—

513 ~~(4) To provide for greater efficiency, the governing board~~
514 ~~may delegate by rule its powers and duties pertaining to general~~
515 ~~permits to the executive director. The executive director may~~
516 ~~execute such delegated authority through designated staff.~~
517 ~~However, when delegating the authority to take final action on~~
518 ~~permit applications under part II or part IV or petitions for~~
519 ~~variances or waivers of permitting requirements under part II or~~
520 ~~part IV, the governing board shall provide a process for~~
521 ~~referring any denial of such application or petition to the~~
522 ~~governing board to take such final action.~~

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523 Section 9. Subsection (3) of section 373.323, Florida
524 Statutes, is amended to read:

525 373.323 Licensure of water well contractors; application,
526 qualifications, and examinations; equipment identification.—

527 (3) An applicant who meets the following requirements shall
528 be entitled to take the water well contractor licensure
529 examination ~~to practice water well contracting~~:

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

531 (b) Has at least 2 years of experience in constructing,
532 repairing, or abandoning water wells. Satisfactory proof of such
533 experience shall be demonstrated by providing:

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

538 a. A water well contractor.

539 b. A water well driller.

540 c. A water well parts and equipment vendor.

541 d. A water well inspectors employed by a governmental
542 agency.

543 2. A list of at least 10 water wells that the applicant has
544 constructed, repaired, or abandoned within the preceding 5
545 years. Of these wells, at least seven must have been
546 constructed, as defined in s. 373.303(2), by the applicant. The
547 list shall also include:

548 a. The name and address of the owner or owners of each
549 well.

550 b. The location, primary use, and approximate depth and
551 diameter of each well that the applicant has constructed,

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552 repaired, or abandoned.

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

555 (c) Has completed the application form and remitted a
556 nonrefundable application fee.

557 Section 10. Subsections (6) and (7) are added to section
558 373.236, Florida Statutes, to read:

559 373.236 Duration of permits; compliance reports.—

560 (6) (a) The Legislature finds that the need for alternative
561 water supply development projects to meet anticipated public
562 water supply demands of the state is so important that it is
563 essential to encourage participation in and contribution to
564 these projects by private-rural-land owners who
565 characteristically have relatively modest near-term water
566 demands but substantially increasing demands after the 20-year
567 planning period in s. 373.0361. Therefore, where such landowners
568 make extraordinary contributions of lands or construction
569 funding to enable the expeditious implementation of such
570 projects, water management districts and the department may
571 grant permits for such projects for a period of up to 50 years
572 to municipalities, counties, special districts, regional water
573 supply authorities, multijurisdictional water supply entities,
574 and publicly or privately owned utilities, with the exception of
575 any publicly or privately owned utilities created for or by a
576 private landowner after April 1, 2008, which have entered into
577 an agreement with the private landowner for the purpose of more
578 efficiently pursuing alternative public water supply development
579 projects identified in a district's regional water supply plan
580 and meeting water demands of both the applicant and the

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581 landowner.

582 (b) A permit under paragraph (a) may be granted only for
583 that period for which there is sufficient data to provide
584 reasonable assurance that the conditions for permit issuance
585 will be met. Such a permit shall require a compliance report by
586 the permittee every 5 years during the term of the permit. The
587 report shall contain sufficient data to maintain reasonable
588 assurance that the conditions for permit issuance applicable at
589 the time of district review of the compliance report are met.
590 After review of this report, the governing board or the
591 department may modify the permit to ensure that the use meets
592 the conditions for issuance. This subsection does not limit the
593 existing authority of the department or the governing board to
594 modify or revoke a consumptive use permit.

595 (7) A permit approved for a renewable energy generating
596 facility or the cultivation of agricultural products on lands
597 consisting of 1,000 acres or more for use in the production
598 renewable energy, as defined in s. 366.91(2)(d), shall be
599 granted for a term of at least 25 years at the applicant's
600 request based on the anticipated life of the facility if there
601 is sufficient data to provide reasonable assurance that the
602 conditions for permit issuance will be met for the duration of
603 the permit; otherwise, a permit may be issued for a shorter
604 duration that reflects the longest period for which such
605 reasonable assurances are provided. Such a permit is subject to
606 compliance reports under subsection (4).

607 Section 11. Subsection (4) of section 373.243, Florida
608 Statutes, is amended to read:

609 373.243 Revocation of permits.—The governing board or the

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610 department may revoke a permit as follows:

611 (4) For nonuse of the water supply allowed by the permit
612 for a period of 2 years or more, the governing board or the
613 department may revoke the permit permanently and in whole unless
614 the user can prove that his or her nonuse was due to extreme
615 hardship caused by factors beyond the user's control. For a
616 permit issued pursuant to s. 373.236(7), the governing board or
617 the department may revoke the permit only if the nonuse of the
618 water supply allowed by the permit is for a period of 4 years or
619 more.

620 Section 12. Paragraph (e) of subsection (5) of section
621 373.536, Florida Statutes, is amended to read:

622 373.536 District budget and hearing thereon.—

623 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
624 APPROVAL.—

625 (e) By September 5 of the year in which the budget is
626 submitted, the House and Senate appropriations and appropriate
627 substantive committee chairs may transmit to each district
628 comments and objections to the proposed budgets. Each district
629 governing board shall include a response to such comments and
630 objections in the record of the governing board meeting where
631 final adoption of the budget takes place, and the record of this
632 meeting shall be transmitted to the Executive Office of the
633 Governor, the department, and the chairs of the House and Senate
634 appropriations committees.

635 Section 13. Subsection (5) is added to section 373.584,
636 Florida Statutes, to read:

637 373.584 Revenue bonds.—

638 (5) (a) The total annual debt service for bonds issued

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639 pursuant to this section and s. 373.563 may not exceed 20
640 percent of the annual ad valorem tax revenues of the water
641 management district, unless approved by the Joint Legislative
642 Budget Commission.

643 (b) The Joint Legislative Budget Commission is authorized
644 to review the financial soundness of a water management district
645 and determine whether bonds may be issued by a water management
646 district in excess of the limitation provided in paragraph (a).

647 (c) A water management district may not take any action
648 regarding the issuance of bonds in excess of the limitation of
649 paragraph (a) without prior approval of the Joint Legislative
650 Budget Commission pursuant to joint rules of the House of
651 Representative and the Senate.

652 (d) Bonds issued and outstanding before January 1, 2009,
653 are exempt from this subsection and shall not be included in the
654 calculation of the limitation of paragraph (a).

655 (e) This subsection does not affect the validity or
656 enforceability of outstanding revenue bonds.

657 Section 14. Subsection (10) of section 373.59, Florida
658 Statutes, is amended to read:

659 373.59 Water Management Lands Trust Fund.—

660 (10) (a) Beginning July 1, 1999, not more than one-fourth of
661 the funds provided for in subsections (1) and (8) in any year
662 shall be reserved annually by a governing board, during the
663 development of its annual operating budget, for payments in lieu
664 of taxes for all actual ad valorem tax losses incurred as a
665 result of all governing board acquisitions for water management
666 district purposes ~~districts pursuant to ss. 259.101, 259.105,~~
667 ~~373.470, and this section during any year.~~ Reserved funds not

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668 used for payments in lieu of taxes in any year shall revert to
669 the Water Management Lands Trust Fund to be used in accordance
670 with the provisions of this section.

671 (b) Payment in lieu of taxes shall be available:

672 1. To all counties that have a population of 150,000 or
673 fewer. Population levels shall be determined pursuant to s.
674 186.901 11.031. The population estimates published April 1 and
675 used in the revenue-sharing formula pursuant to s. 186.901 shall
676 be used to determine eligibility under this subsection and shall
677 apply to payments made for the subsequent fiscal year.

678 2. To all local governments located in eligible counties
679 and whose lands are bought and taken off the tax rolls.

680
681 For properties acquired after January 1, 2000, in the event that
682 such properties otherwise eligible for payment in lieu of taxes
683 under this subsection are leased or reserved and remain subject
684 to ad valorem taxes, payments in lieu of taxes shall commence or
685 recommence upon the expiration or termination of the lease or
686 reservation, ~~but in no event shall there be more than a total of~~
687 ~~10 annual payments in lieu of taxes for each tax loss.~~ If the
688 lease is terminated for only a portion of the lands at any time,
689 the ~~10~~ annual payments shall be made for that portion only
690 commencing the year after such termination, without limiting the
691 requirement that ~~10~~ annual payments shall be made on the
692 remaining portion or portions of the land as the lease on each
693 expires. For the purposes of this subsection, "local government"
694 includes municipalities and, ~~the county school board, mosquito~~
695 ~~control districts, and any other local government entity which~~
696 ~~levies ad valorem taxes.~~

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697 (c) If sufficient funds are unavailable in any year to make
698 full payments to all qualifying counties and local governments,
699 such counties and local governments shall receive a pro rata
700 share of the moneys available.

701 (d) The payment amount shall be based on the average amount
702 of actual ad valorem taxes paid on the property for the 3 years
703 preceding acquisition. Applications for payment in lieu of taxes
704 shall be made no later than May ~~January~~ 31 of the year for which
705 payment is sought ~~following acquisition~~. No payment in lieu of
706 taxes shall be made for properties which were exempt from ad
707 valorem taxation for the year immediately preceding acquisition.

708 (e) If property that was subject to ad valorem taxation was
709 acquired by a tax-exempt entity for ultimate conveyance to the
710 state under this chapter, payment in lieu of taxes shall be made
711 for such property based upon the average amount of ad valorem
712 taxes paid on the property for the 3 years prior to its being
713 removed from the tax rolls. The water management districts shall
714 certify to the Department of Revenue those properties that may
715 be eligible under this provision. Once eligibility has been
716 established, that governmental entity shall receive annual
717 payments for each tax loss until the qualifying governmental
718 entity exceeds the population threshold pursuant to paragraph
719 (b) ~~s. 259.032(12)(b)~~.

720 (f) Payment in lieu of taxes pursuant to this subsection
721 shall be made annually to qualifying counties and local
722 governments after certification by the Department of Revenue
723 that the amounts applied for are reasonably appropriate, based
724 on the amount of actual ad valorem taxes paid on the eligible
725 property, and after the water management districts have provided

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726 supporting documents to the Chief Financial Officer and have
727 requested that payment be made in accordance with the
728 requirements of this section. With the assistance of the local
729 government requesting payment in lieu of taxes, the water
730 management district that acquired the land is responsible for
731 preparing and submitting application requests for payment to the
732 Department of Revenue for certification.

733 (g) If a water management district conveys to a county or
734 local government title to any land owned by the district, any
735 payments in lieu of taxes on the land made to the county or
736 local government shall be discontinued as of the date of the
737 conveyance.

738 Section 15. Section 373.5905, Florida Statutes, is amended
739 to read:

740 373.5905 Reinstatement ~~Reinstitution~~ of payments in lieu of
741 taxes; duration.—If a water management district has made a
742 payment in lieu of taxes to a governmental entity and
743 subsequently suspended such payment, beginning July 1, 2009, the
744 water management district shall reinstate ~~reinstitute~~
745 appropriate payments and continue the payments for as long as
746 the county population remains below the population threshold
747 pursuant to s. 373.59(10) (b). This section does not authorize or
748 provide for payments in arrears ~~in consecutive years until the~~
749 ~~governmental entity has received a total of 10 payments for each~~
750 ~~tax loss.~~

751 Section 16. Sections 373.465 and 373.466, Florida Statutes,
752 are repealed.

753 Section 17. Section 373.185, Florida Statutes, is amended
754 to read:

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755 373.185 Local Florida-friendly landscaping ~~Xeriscape~~
756 ordinances.—

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

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

760 (b) ~~"Xeriscape" or~~ "Florida-friendly landscaping landscape"
761 means quality landscapes that conserve water, and protect the
762 environment, and are adaptable to local conditions, and which
763 are drought tolerant. The principles of such landscaping
764 ~~Xeriscape~~ include planting the right plant in the right place,
765 efficient watering, appropriate fertilization, mulching,
766 attraction of wildlife, responsible management of yard pests,
767 recycling yard waste, reduction of stormwater runoff, and
768 waterfront protection. Additional components include practices
769 such as landscape planning and design, appropriate choice of
770 plants, soil analysis, which may include the appropriate use of
771 solid waste compost, minimizing the use of efficient irrigation,
772 practical use of turf, appropriate use of mulches, and proper
773 maintenance.

774 (2) Each water management district shall design and
775 implement an incentive program to encourage all local
776 governments within its district to adopt new ordinances or amend
777 existing ordinances to require Florida-friendly Xeriscape
778 landscaping for development permitted after the effective date
779 of the new ordinance or amendment. ~~Each district shall adopt~~
780 ~~rules governing the implementation of its incentive program and~~
781 ~~governing the review and approval of local government Xeriscape~~
782 ~~ordinances or amendments which are intended to qualify a local~~
783 ~~government for the incentive program.~~ Each district shall assist

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784 the local governments within its jurisdiction by providing a
785 model Florida-friendly landscaping ordinance ~~Xeriscape code~~ and
786 other technical assistance. Each district may develop its own
787 model or use a model contained in the "Florida-Friendly
788 Landscape Guidance Models for Ordinances, Covenants, and
789 Restrictions" manual developed by the department. To qualify for
790 a district's incentive program, a local government ~~Xeriscape~~
791 ordinance or amendment, ~~in order to qualify the local government~~
792 ~~for a district's incentive program,~~ must include, at a minimum:

793 (a) Landscape design, installation, and maintenance
794 standards that result in water conservation and water quality
795 protection or restoration. Such standards must ~~shall~~ address the
796 use of plant groupings, soil analysis including the promotion of
797 the use of solid waste compost, efficient irrigation systems,
798 and other water-conserving practices.

799 (b) Identification of prohibited invasive exotic plant
800 species consistent with s. 581.091.

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

803 (d) A provision specifying the maximum percentage of
804 irrigated turf and ~~the maximum percentage of~~ impervious surfaces
805 allowed in a Florida-friendly landscaped ~~xeriscaped~~ area and
806 addressing the practical selection and installation of turf.

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

809 (f) A monitoring program for ordinance implementation and
810 compliance.

811 (3) Each water management district shall also ~~The districts~~
812 ~~also shall~~ work with the department, local governments, county

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813 extension agents or offices, nursery and landscape industry
814 groups, and other interested stakeholders to promote, through
815 educational programs, and publications, and other district
816 activities authorized under this chapter, the use of Florida-
817 friendly landscaping ~~Xeriscape~~ practices, including the use of
818 solid waste compost, in ~~existing~~ residential and commercial
819 development. In conducting these activities, each district shall
820 use the materials developed by the department, the Institute of
821 Food and Agricultural Sciences at the University of Florida, and
822 the Center for Landscape Conservation and Ecology Florida-
823 Friendly Landscaping program, including, but not limited to, the
824 Florida Yards and Neighborhoods Program for homeowners, the
825 Florida Yards and Neighborhoods Builder Developer Program for
826 developers, and the Green Industries Best Management Practices
827 Program for landscaping professionals. Each district may develop
828 supplemental materials as appropriate to address the physical
829 and natural characteristics of the district. The districts shall
830 coordinate with the department and the Institute of Food and
831 Agricultural Sciences at the University of Florida if revisions
832 to the educational materials are needed. ~~This section may not be~~
833 ~~construed to limit the authority of the districts to require~~
834 ~~Xeriscape ordinances or practices as a condition of any~~
835 ~~consumptive use permit.~~

836 (a) The Legislature finds that the use of Florida-friendly
837 landscaping and other water use and pollution prevention
838 measures to conserve or protect the state's water resources
839 serves a compelling public interest and that the participation
840 of homeowners' associations and local governments is essential
841 to state's efforts in water conservation and water quality

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842 protection and restoration.

843 (b) ~~(3)~~ A deed restriction or covenant entered after October
844 1, 2001, or local government ordinance may not prohibit or be
845 enforced so as to prohibit any property owner from implementing
846 Xeriscape or Florida-friendly landscaping landscape on his or
847 her land or create any requirement or limitation in conflict
848 with any provision of part II of this chapter or a water
849 shortage order, other order, consumptive use permit, or rule
850 adopted or issued pursuant to part II of this chapter.

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

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

858 Section 18. Section 373.187, Florida Statutes, is created
859 to read:

860 373.187 Water management district implementation of
861 Florida-friendly landscaping.—Each water management district
862 shall use Florida-friendly landscaping, as defined in s.
863 373.185, on public property associated with buildings and
864 facilities owned by the district and constructed after June 30,
865 2009. Each district shall also develop a 5-year program for
866 phasing in the use of Florida-friendly landscaping on public
867 property associated with buildings or facilities owned by the
868 district and constructed before July 1, 2009.

869 Section 19. Section 373.228, Florida Statutes, is amended
870 to read:

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871 373.228 Landscape irrigation design.—

872 (1) The Legislature finds that multiple areas throughout
873 the state have been identified by water management districts as
874 water resource caution areas, which indicates that in the near
875 future water demand in those areas will exceed the current
876 available water supply and that conservation is one of the
877 mechanisms by which future water demand will be met.

878 (2) The Legislature finds that landscape irrigation
879 comprises a significant portion of water use and that ~~the~~
880 current typical landscape irrigation systems ~~system~~ and Florida-
881 friendly landscaping ~~xeriscape~~ designs offer significant
882 potential water conservation benefits.

883 (3) It is the intent of the Legislature to improve
884 landscape irrigation water use efficiency by ensuring that
885 landscape irrigation systems meet or exceed minimum design
886 criteria.

887 (4) The water management districts shall work with the
888 Florida Nursery, Nurserymen and Growers and Landscape
889 Association, the Florida Native Plant Society, the Florida
890 Chapter of the American Society of Landscape Architects, the
891 Florida Irrigation Society, the Department of Agriculture and
892 Consumer Services, the Institute of Food and Agricultural
893 Sciences, the Department of Environmental Protection, the
894 Department of Transportation, the Florida League of Cities, the
895 Florida Association of Counties, and the Florida Association of
896 Community Developers to develop landscape irrigation and
897 Florida-friendly landscaping ~~xeriscape~~ design standards for new
898 construction which incorporate a landscape irrigation system and
899 develop scientifically based model guidelines for urban,

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900 commercial, and residential landscape irrigation, including drip
901 irrigation, for plants, trees, sod, and other landscaping. The
902 ~~landscape and irrigation design~~ standards shall be based on the
903 irrigation code defined in the Florida Building Code, Plumbing
904 Volume, Appendix F. Local governments shall use the standards
905 and guidelines when developing landscape irrigation and Florida-
906 friendly landscaping ~~xeriscape~~ ordinances. By January 1, 2011,
907 the agencies and entities specified in this subsection shall
908 review the standards and guidelines to determine whether new
909 research findings require a change or modification of the
910 standards and guidelines.

911 (5) In evaluating water use applications from public water
912 suppliers, water management districts shall consider whether the
913 applicable local government has adopted ordinances for
914 landscaping and irrigation systems consistent with the Florida-
915 friendly landscaping provisions of s. 373.185.

916 Section 20. Subsection (8) of section 373.333, Florida
917 Statutes, is amended to read:

918 373.333 Disciplinary guidelines; adoption and enforcement;
919 license suspension or revocation.—

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

925 Section 21. Section 125.568, Florida Statutes, is amended
926 to read:

927 125.568 Conservation of water; Florida-friendly landscaping
928 ~~xeriscape~~.—

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929 (1) (a) The Legislature finds that Florida-friendly
930 landscaping ~~Xeriscape~~ contributes to the conservation,
931 protection, and restoration of water. In an effort to meet the
932 water needs of this state in a manner that will supply adequate
933 and dependable supplies of water where needed, it is the intent
934 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~
935 be an essential part of water conservation and water quality
936 protection and restoration planning.

937 (b) As used in this section, ~~"Xeriscape" or "Florida-~~
938 friendly landscaping" has the same meaning as in s. 373.185
939 ~~landscape" means quality landscapes that conserve water and~~
940 ~~protect the environment and are adaptable to local conditions~~
941 ~~and which are drought tolerant. The principles of Xeriscape~~
942 ~~include planning and design, appropriate choice of plants, soil~~
943 ~~analysis which may include the use of solid waste compost,~~
944 ~~practical use of turf, efficient irrigation, appropriate use of~~
945 ~~mulches, and proper maintenance.~~

946 (2) The board of county commissioners of each county shall
947 consider enacting ordinances, consistent with s. 373.185,
948 requiring the use of Florida-friendly landscaping ~~Xeriscape~~ as a
949 water conservation or water quality protection or restoration
950 measure. If the board determines that such landscaping ~~Xeriscape~~
951 would be of significant benefit as a water conservation or water
952 quality protection or restoration measure, especially for waters
953 designated as impaired pursuant to s. 403.067, relative to the
954 cost to implement Florida-friendly ~~Xeriscape~~ landscaping in its
955 area of jurisdiction, the board shall enact a Florida-friendly
956 landscaping ~~Xeriscape~~ ordinance. Further, the board of county
957 commissioners shall consider promoting Florida-friendly

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958 landscaping Xeriscape as a water conservation or water quality
959 protection or restoration measure by: using such landscaping
960 Xeriscape in any, around, or near facilities, parks, and other
961 ~~common~~ areas under its jurisdiction which are landscaped after
962 the effective date of this act; providing public education on
963 Florida-friendly landscaping Xeriscape, its uses in increasing
964 ~~as a~~ water conservation and water quality protection or
965 restoration ~~tool~~, and its long-term cost-effectiveness; and
966 offering incentives to local residents and businesses to
967 implement Florida-friendly Xeriscape landscaping.

968 (3) (a) The Legislature finds that the use of Florida-
969 friendly landscaping and other water use and pollution
970 prevention measures to conserve or protect the state's water
971 resources serves a compelling public interest and that the
972 participation of homeowners' associations and local governments
973 is essential to the state's efforts in water conservation and
974 water quality protection and restoration.

975 (b) A deed restriction or covenant entered after October 1,
976 2001, or local government ordinance may not prohibit or be
977 enforced so as to prohibit any property owner from implementing
978 ~~Xeriscape or~~ Florida-friendly landscaping landscape on his or
979 her land or create any requirement or limitation in conflict
980 with any provision of part II of chapter 373 or a water shortage
981 order, other order, consumptive use permit, or rule adopted or
982 issued pursuant to part II of chapter 373.

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

986 Section 22. Section 166.048, Florida Statutes, is amended

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987 to read:

988 166.048 Conservation of water; Florida-friendly landscaping
989 ~~Xeriscape~~.—

990 (1) (a) The Legislature finds that Florida-friendly
991 landscaping ~~Xeriscape~~ contributes to the conservation,
992 protection, and restoration of water. In an effort to meet the
993 water needs of this state in a manner that will supply adequate
994 and dependable supplies of water where needed, it is the intent
995 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~
996 be an essential part of water conservation and water quality
997 protection and restoration planning.

998 (b) As used in this section, "Xeriscape" or "Florida-
999 friendly landscaping" has the same meaning as in s. 373.185
1000 ~~landscape" means quality landscapes that conserve water and~~
1001 ~~protect the environment and are adaptable to local conditions~~
1002 ~~and which are drought tolerant. The principles of Xeriscape~~
1003 ~~include planning and design, appropriate choice of plants, soil~~
1004 ~~analysis which may include the use of solid waste compost,~~
1005 ~~practical use of turf, efficient irrigation, appropriate use of~~
1006 ~~mulches, and proper maintenance.~~

1007 (2) The governing body of each municipality shall consider
1008 enacting ordinances, consistent with s. 373.185, requiring the
1009 use of Florida-friendly landscaping ~~Xeriscape~~ as a water
1010 conservation or water quality protection or restoration measure.
1011 If the governing body determines that such landscaping ~~Xeriscape~~
1012 would be of significant benefit as a water conservation or water
1013 quality protection or restoration measure, especially for waters
1014 designated as impaired pursuant to s. 403.067, relative to the
1015 cost to implement Florida-friendly ~~Xeriscape~~ landscaping in its

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1016 area of jurisdiction in the municipality, the governing body
1017 ~~board~~ shall enact a Florida-friendly landscaping Xeriscape
1018 ordinance. Further, the governing body shall consider promoting
1019 Florida-friendly landscaping Xeriscape as a water conservation
1020 or water quality protection or restoration measure by: using
1021 such landscaping Xeriscape in any, around, or near facilities,
1022 ~~parks, and other common~~ areas under its jurisdiction which are
1023 landscaped after the effective date of this act; providing
1024 public education on Florida-friendly landscaping Xeriscape, its
1025 uses in increasing as a water conservation and water quality
1026 protection or restoration tool, and its long-term cost-
1027 effectiveness; and offering incentives to local residents and
1028 businesses to implement Florida-friendly Xeriscape landscaping.

1029 (3) (a) The Legislature finds that the use of Florida-
1030 friendly landscaping and other water use and pollution
1031 prevention measures to conserve or protect the state's water
1032 resources serves a compelling public interest and that the
1033 participation of homeowners' associations and local governments
1034 is essential to the state's efforts in water conservation and
1035 water quality protection and restoration.

1036 (b) A deed restriction or covenant entered after October 1,
1037 2001, or local government ordinance may not prohibit or be
1038 enforced so as to prohibit any property owner from implementing
1039 Xeriscape or Florida-friendly landscaping landscape on his or
1040 her land or create any requirement or limitation in conflict
1041 with any provision of part II of chapter 373 or a water shortage
1042 order, other order, consumptive use permit, or rule adopted or
1043 issued pursuant to part II of chapter 373.

1044 (c) A local government ordinance may not prohibit or be

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1045 enforced so as to prohibit any property owner from implementing
1046 Florida-friendly landscaping on his or her land.

1047 Section 23. Section 255.259, Florida Statutes, is amended
1048 to read:

1049 255.259 Florida-friendly ~~Xeriscape~~ landscaping on public
1050 property.—

1051 (1) The Legislature finds that water conservation and water
1052 quality protection and restoration are ~~is~~ increasingly critical
1053 to the continuance of an adequate water supply and healthy
1054 surface and ground waters ~~for the citizens of this state~~. The
1055 Legislature further finds that "Florida-friendly landscaping
1056 ~~Xeriscape~~," as defined in s. 373.185, can contribute
1057 significantly to water ~~the~~ conservation and ~~of~~ water quality
1058 protection and restoration. Finally, the Legislature finds that
1059 state government has the responsibility to promote Florida-
1060 friendly landscaping ~~Xeriscape~~ as a water conservation and water
1061 quality protection and restoration measure by using such
1062 landscaping ~~Xeriscape~~ on public property associated with
1063 publicly owned buildings or facilities.

1064 (2) As used in this section, "publicly owned buildings or
1065 facilities" means ~~those~~ construction projects under the purview
1066 of the Department of Management Services. The term ~~It~~ does not
1067 include environmentally endangered land or roads and highway
1068 construction under the purview of the Department of
1069 Transportation.

1070 (3) The Department of Management Services, in consultation
1071 with the Department of Environmental Protection, shall adopt
1072 rules and guidelines for the required use of Florida-friendly
1073 landscaping ~~Xeriscape~~ on public property associated with

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1074 publicly owned buildings or facilities constructed after June
1075 30, 2009 ~~1992~~. The Department of Management Services ~~also~~ shall
1076 also develop a 5-year program for phasing in the use of Florida-
1077 friendly landscaping ~~Xeriscape~~ on public property associated
1078 with publicly owned buildings or facilities constructed before
1079 July 1, 2009 ~~1992~~. In accomplishing these tasks, the Department
1080 of Management Services shall take into account the standards
1081 provided in ~~guidelines set out in~~ s. 373.185(2)(a) ~~(f)~~. The
1082 Department of Transportation shall implement Florida-friendly
1083 ~~Xeriscape~~ landscaping pursuant to s. 335.167.

1084 (4) (a) The Legislature finds that the use of Florida-
1085 friendly landscaping and other water use and pollution
1086 prevention measures to conserve or protect the state's water
1087 resources serves a compelling public interest and that the
1088 participation of homeowners' associations and local governments
1089 is essential to the state's efforts in water conservation and
1090 water quality protection and restoration.

1091 (b) A deed restriction or covenant entered after October 1,
1092 2001, or local government ordinance may not prohibit or be
1093 enforced so as to prohibit any property owner from implementing
1094 ~~Xeriscape~~ or Florida-friendly landscaping ~~landscape~~ on his or
1095 her land or create any requirement or limitation in conflict
1096 with any provision of part II of chapter 373 or a water shortage
1097 order, other order, consumptive use permit, or rule adopted or
1098 issued pursuant to part II of chapter 373.

1099 (c) A local government ordinance may not prohibit or be
1100 enforced so as to prohibit any property owner from implementing
1101 Florida-friendly landscaping on his or her land.

1102 Section 24. Section 335.167, Florida Statutes, is amended

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1103 to read:

1104 335.167 State highway construction and maintenance;
1105 ~~Xeriscape or~~ Florida-friendly landscaping.-

1106 (1) The department shall use and require the use of
1107 Florida-friendly landscaping ~~Xeriscape~~ practices, as defined in
1108 s. 373.185(1), in the construction and maintenance of all new
1109 state highways, wayside parks, access roads, welcome stations,
1110 and other state highway rights-of-way constructed upon or
1111 acquired after June 30, 2009 ~~1992~~. The department shall develop
1112 a 5-year program for phasing in the use of Florida-friendly
1113 landscaping ~~Xeriscape~~, including the use of solid waste compost,
1114 in state highway rights-of-way constructed upon or acquired
1115 before July 1, 2009 ~~1992~~. In accomplishing these tasks, the
1116 department shall employ the standards ~~guidelines~~ set out in s.
1117 373.185(2) (a) ~~-(f)~~.

1118 (2) (a) The Legislature finds that the use of Florida-
1119 friendly landscaping and other water use and pollution
1120 prevention measures to conserve or protect the state's water
1121 resources serves a compelling public interest and that the
1122 participation of homeowners' associations and local governments
1123 is essential to the state's efforts in water conservation and
1124 water quality protection and restoration.

1125 (b) A deed restriction or covenant entered after October 1,
1126 2001, or local government ordinance may not prohibit or be
1127 enforced so as to prohibit any property owner from implementing
1128 ~~Xeriscape or~~ Florida-friendly landscaping ~~landscape~~ on his or
1129 her land or create any requirement or limitation in conflict
1130 with any provision of part II of chapter 373 or a water shortage
1131 order, other order, consumptive use permit, or rule adopted or

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1132 issued pursuant to part II of chapter 373.

1133 (c) A local government ordinance may not prohibit or be
1134 enforced so as to prohibit any property owner from implementing
1135 Florida-friendly landscaping on his or her land.

1136 Section 25. Paragraph (a) of subsection (3) of section
1137 380.061, Florida Statutes, is amended to read:

1138 380.061 The Florida Quality Developments program.—

1139 (3) (a) To be eligible for designation under this program,
1140 the developer shall comply with each of the following
1141 requirements if ~~which is~~ applicable to the site of a qualified
1142 development:

1143 1. Donate or enter ~~Have donated or entered~~ into a binding
1144 commitment to donate the fee or a lesser interest sufficient to
1145 protect, in perpetuity, the natural attributes of the types of
1146 land listed below. In lieu of this ~~the above~~ requirement, the
1147 developer may enter into a binding commitment that ~~which~~ runs
1148 with the land to set aside such areas on the property, in
1149 perpetuity, as open space to be retained in a natural condition
1150 or as otherwise permitted under this subparagraph. Under the
1151 requirements of this subparagraph, the developer may reserve the
1152 right to use such areas for ~~the purpose of~~ passive recreation
1153 that is consistent with the purposes for which the land was
1154 preserved.

1155 a. Those wetlands and water bodies throughout the state
1156 which ~~as~~ would be delineated if the provisions of s.
1157 373.4145(1) (b) were applied. The developer may use such areas
1158 for the purpose of site access, provided other routes of access
1159 are unavailable or impracticable; may use such areas for the
1160 purpose of stormwater or domestic sewage management and other

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1161 necessary utilities if ~~to the extent that~~ such uses are
1162 permitted pursuant to chapter 403; or may redesign or alter
1163 wetlands and water bodies within the jurisdiction of the
1164 Department of Environmental Protection which have been
1165 artificially created, ~~if~~ the redesign or alteration is done so
1166 as to produce a more naturally functioning system.

1167 b. Active beach or primary and, where appropriate,
1168 secondary dunes, to maintain the integrity of the dune system
1169 and adequate public accessways to the beach. However, the
1170 developer may retain the right to construct and maintain
1171 elevated walkways over the dunes to provide access to the beach.

1172 c. Known archaeological sites determined to be of
1173 significance by the Division of Historical Resources of the
1174 Department of State.

1175 d. Areas known to be important to animal species designated
1176 as endangered or threatened ~~animal species~~ by the United States
1177 Fish and Wildlife Service or by the Fish and Wildlife
1178 Conservation Commission, for reproduction, feeding, or nesting;
1179 for traveling between such areas used for reproduction, feeding,
1180 or nesting; or for escape from predation.

1181 e. Areas known to contain plant species designated as
1182 endangered ~~plant species~~ by the Department of Agriculture and
1183 Consumer Services.

1184 2. Produce, or dispose of, no substances designated as
1185 hazardous or toxic substances by the United States Environmental
1186 Protection Agency, or ~~by~~ the Department of Environmental
1187 Protection, or the Department of Agriculture and Consumer
1188 Services. This subparagraph does ~~is not intended to~~ apply to the
1189 production of these substances in nonsignificant amounts as

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1190 would occur through household use or incidental use by
1191 businesses.

1192 3. Participate in a downtown reuse or redevelopment program
1193 to improve and rehabilitate a declining downtown area.

1194 4. Incorporate no dredge and fill activities in, and no
1195 stormwater discharge into, waters designated as Class II,
1196 aquatic preserves, or Outstanding Florida Waters, except as
1197 ~~activities in those waters are permitted pursuant to s.~~
1198 403.813(2), and the developer demonstrates that those activities
1199 meet the standards under Class II waters, Outstanding Florida
1200 Waters, or aquatic preserves, as applicable.

1201 5. Include open space, recreation areas, Florida-friendly
1202 landscaping ~~Xeriscape~~ as defined in s. 373.185, and energy
1203 conservation and minimize impermeable surfaces as appropriate to
1204 the location and type of project.

1205 6. Provide for construction and maintenance of all onsite
1206 infrastructure necessary to support the project and enter into a
1207 binding commitment with local government to provide an
1208 appropriate fair-share contribution toward the offsite impacts
1209 that ~~which~~ the development will impose on publicly funded
1210 facilities and services, except offsite transportation, and
1211 condition or phase the commencement of development to ensure
1212 that public facilities and services, except offsite
1213 transportation, are ~~will be~~ available concurrent with the
1214 impacts of the development. For the purposes of offsite
1215 transportation impacts, the developer shall comply, at a
1216 minimum, with the standards of the state land planning agency's
1217 development-of-regional-impact transportation rule, the approved
1218 strategic regional policy plan, any applicable regional planning

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1219 council transportation rule, and the approved local government
1220 comprehensive plan and land development regulations adopted
1221 pursuant to part II of chapter 163.

1222 7. Design and construct the development in a manner that is
1223 consistent with the adopted state plan, the applicable strategic
1224 regional policy plan, and the applicable adopted local
1225 government comprehensive plan.

1226 Section 26. Subsection (3) of section 388.291, Florida
1227 Statutes, is amended to read:

1228 388.291 Source reduction measures; supervision by
1229 department.—

1230 (3) Property owners in a developed residential area shall
1231 ~~are required to~~ maintain their property in ~~such~~ a manner that
1232 does so as not to create or maintain any standing freshwater
1233 condition capable of breeding mosquitoes or other arthropods in
1234 significant numbers so as to constitute a public health,
1235 welfare, or nuisance problem. ~~Nothing in~~ This subsection does
1236 not authorize ~~shall permit~~ the alteration of permitted
1237 stormwater management systems or prohibit maintained fish ponds,
1238 Florida-friendly landscaping ~~scaping~~, or other maintained
1239 systems of landscaping or vegetation. If such a condition is
1240 found to exist, the local arthropod control agency shall serve
1241 notice on the property owner to treat, remove, or abate the
1242 condition. Such notice is ~~shall serve as~~ prima facie evidence of
1243 maintaining a nuisance, and upon failure of the property owner
1244 to treat, remove, or abate the condition, the local arthropod
1245 control agency or any affected citizen may proceed pursuant to
1246 s. 60.05 to enjoin the nuisance and may recover costs and
1247 attorney's fees if they prevail in the action.

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1248 Section 27. Subsection (6) of section 481.303, Florida
1249 Statutes, is amended to read:

1250 481.303 Definitions.—As used in this chapter:

1251 (6) "Landscape architecture" means professional services,
1252 including, but not limited to, the following:

1253 (a) Consultation, investigation, research, planning,
1254 design, preparation of drawings, specifications, contract
1255 documents and reports, responsible construction supervision, or
1256 landscape management in connection with the planning and
1257 development of land and incidental water areas, including the
1258 use of Florida-friendly landscaping ~~Xeriscape~~ as defined in s.
1259 373.185, where, and to the extent that, the dominant purpose of
1260 such services or creative works is the preservation,
1261 conservation, enhancement, or determination of proper land uses,
1262 natural land features, ground cover and plantings, or
1263 naturalistic and aesthetic values;

1264 (b) The determination of settings, grounds, and approaches
1265 for and the siting of buildings and structures, outdoor areas,
1266 or other improvements;

1267 (c) The setting of grades, shaping and contouring of land
1268 and water forms, determination of drainage, and provision for
1269 storm drainage and irrigation systems where such systems are
1270 necessary to the purposes outlined herein; and

1271 (d) The design of such tangible objects and features as are
1272 necessary to the purpose outlined herein.

1273 Section 28. Subsection (4) of section 720.3075, Florida
1274 Statutes, is amended to read:

1275 720.3075 Prohibited clauses in association documents.—

1276 (4) (a) The Legislature finds that the use of Florida-

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1277 friendly landscaping and other water use and pollution
1278 prevention measures to conserve or protect the state's water
1279 resources serves a compelling public interest and that the
1280 participation of homeowners' associations and local governments
1281 is essential to the state's efforts in water conservation and
1282 water quality protection and restoration.

1283 (b) Homeowners' association documents, including
1284 declarations of covenants, articles of incorporation, or bylaws,
1285 entered after October 1, 2001, may not prohibit or be enforced
1286 so as to prohibit any property owner from implementing Xeriscape
1287 or Florida-friendly landscaping landscape, as defined in s.
1288 373.185(1), on his or her land or create any requirement or
1289 limitation in conflict with any provision of part II of chapter
1290 373 or a water shortage order, other order, consumptive use
1291 permit, or rule adopted or issued pursuant to part II of chapter
1292 373.

1293 Section 29. This act shall take effect July 1, 2009.