



867422

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/14/2009	.	
	.	
	.	
	.	

The Committee on Environmental Preservation and Conservation
(Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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



867422

12 the state.

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

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



867422

41 Landscape Guidance Models for Ordinances, Covenants, and
42 Restrictions” manual developed by the department. To qualify for
43 a district’s incentive program, a local government ~~Xeriscape~~
44 ordinance or amendment, ~~in order to qualify the local government~~
45 ~~for a district’s incentive program,~~ must include, at a minimum:

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

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

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

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

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

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

64 (3) Each water management district shall also ~~The districts~~
65 ~~also shall~~ work with the department, local governments, county
66 extension agents or offices, nursery and landscape industry
67 groups, and other interested stakeholders to promote, through
68 educational programs, ~~and~~ publications, and other district
69 activities authorized under this chapter, the use of Florida-



867422

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

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

96 (b) ~~(3)~~ A deed restriction, ~~or~~ covenant entered after
97 October 1, 2001, or local government ordinance may not prohibit
98 or be enforced so as to prohibit any property owner from



867422

99 implementing ~~Xeriscape~~ or Florida-friendly landscaping ~~landscape~~
100 on his or her land or create any requirement or limitation in
101 conflict with any provision of part II of this chapter or a
102 water shortage order, other order, consumptive use permit, or
103 rule adopted or issued pursuant to part II of this chapter.

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

108 Section 2. Section 373.187, Florida Statutes, is created to
109 read:

110 373.187 Water management district implementation of
111 Florida-friendly landscaping.—Each water management district
112 shall use Florida-friendly landscaping, as defined in s.
113 373.185, on public property associated with buildings and
114 facilities owned by the district and constructed after June 30,
115 2009. Each district shall also develop a 5-year program for
116 phasing in the use of Florida-friendly landscaping on public
117 property associated with buildings or facilities owned by the
118 district and constructed before July 1, 2009.

119 Section 3. Section 373.228, Florida Statutes, is amended to
120 read:

121 373.228 Landscape irrigation design.—

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



867422

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

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

137 (4) The water management districts shall work with the
138 Florida Nursery, Nurserymen and Growers and Landscape
139 Association, the Florida Native Plant Society, the Florida
140 Chapter of the American Society of Landscape Architects, the
141 Florida Irrigation Society, the Department of Agriculture and
142 Consumer Services, the Institute of Food and Agricultural
143 Sciences, the Department of Environmental Protection, the
144 Department of Transportation, the Florida League of Cities, the
145 Florida Association of Counties, and the Florida Association of
146 Community Developers to develop landscape irrigation and
147 Florida-friendly landscaping ~~xeriscape~~ design standards for new
148 construction which incorporate a landscape irrigation system and
149 develop scientifically based model guidelines for urban,
150 commercial, and residential landscape irrigation, including drip
151 irrigation, for plants, trees, sod, and other landscaping. The
152 ~~landscape and irrigation design~~ standards shall be based on the
153 irrigation code defined in the Florida Building Code, Plumbing
154 Volume, Appendix F. Local governments shall use the standards
155 and guidelines when developing landscape irrigation and Florida-
156 friendly landscaping ~~xeriscape~~ ordinances. By January 1, 2011,



867422

157 the agencies and entities specified in this subsection shall
158 review the standards and guidelines to determine whether new
159 research findings require a change or modification of the
160 standards and guidelines.

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

166 Section 4. Subsection (3) of section 373.323, Florida
167 Statutes, is amended to read:

168 373.323 Licensure of water well contractors; application,
169 qualifications, and examinations; equipment identification.-

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

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

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

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

181 a. A water well contractor.

182 b. A water well driller.

183 c. A water well parts and equipment vendor.

184 d. A water well inspector employed by a governmental
185 agency.



867422

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

191 a. The name and address of the owner or owners of each
192 well.

193 b. The location, primary use, and approximate depth and
194 diameter of each well.

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

197 (c) Has completed the application form and remitted a
198 nonrefundable application fee.

199 Section 5. Subsection (8) of section 373.333, Florida
200 Statutes, is amended to read:

201 373.333 Disciplinary guidelines; adoption and enforcement;
202 license suspension or revocation.—

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

208 Section 6. Section 125.568, Florida Statutes, is amended to
209 read:

210 125.568 Conservation of water; Florida-friendly landscaping
211 ~~Xeriscape~~.—

212 (1) (a) The Legislature finds that Florida-friendly
213 landscaping ~~Xeriscape~~ contributes to the conservation,
214 protection, and restoration of water. In an effort to meet the



867422

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

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

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



867422

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

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

258 (b) A deed restriction, or covenant entered after October
259 1, 2001, or local government ordinance may not prohibit or be
260 enforced so as to prohibit any property owner from implementing
261 Xeriscape or Florida-friendly landscaping landscape on his or
262 her land or create any requirement or limitation in conflict
263 with any provision of part II of chapter 373 or a water shortage
264 order, other order, consumptive use permit, or rule adopted or
265 issued pursuant to part II of chapter 373.

266 Section 7. Section 166.048, Florida Statutes, is amended to
267 read:

268 166.048 Conservation of water; Florida-friendly landscaping
269 Xeriscape.—

270 (1) (a) The Legislature finds that Florida-friendly
271 landscaping Xeriscape contributes to the conservation,
272 protection, and restoration of water. In an effort to meet the



867422

273 water needs of this state in a manner that will supply adequate
274 and dependable supplies of water where needed, it is the intent
275 of the Legislature that Florida-friendly landscaping Xeriscape
276 be an essential part of water conservation and water quality
277 protection and restoration planning.

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

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



867422

302 ~~parks, and other common~~ areas under its jurisdiction which are
303 landscaped after the effective date of this act; providing
304 public education on Florida-friendly landscaping Xeriscape, its
305 uses in increasing as a water conservation and water quality
306 protection or restoration ~~tool~~, and its long-term cost-
307 effectiveness; and offering incentives to local residents and
308 businesses to implement Florida-friendly Xeriscape landscaping.

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

316 (b) A deed restriction, or covenant entered after October
317 1, 2001, or local government ordinance may not prohibit or be
318 enforced so as to prohibit any property owner from implementing
319 Xeriscape or Florida-friendly landscaping landscape on his or
320 her land or create any requirement or limitation in conflict
321 with any provision of part II of chapter 373 or a water shortage
322 order, other order, consumptive use permit, or rule adopted or
323 issued pursuant to part II of chapter 373.

324 Section 8. Section 255.259, Florida Statutes, is amended to
325 read:

326 255.259 Florida-friendly Xeriscape landscaping on public
327 property.—

328 (1) The Legislature finds that water conservation and water
329 quality protection and restoration are ~~is~~ increasingly critical
330 to the continuance of an adequate water supply and healthy



867422

331 surface and ground waters ~~for the citizens of this state~~. The
332 Legislature further finds that "Florida-friendly landscaping
333 ~~Xeriscape~~," as defined in s. 373.185, can contribute
334 significantly to water ~~the~~ conservation and ~~of~~ water quality
335 protection and restoration. Finally, the Legislature finds that
336 state government has the responsibility to promote Florida-
337 friendly landscaping ~~Xeriscape~~ as a water conservation and water
338 quality protection and restoration measure by using such
339 landscaping ~~Xeriscape~~ on public property associated with
340 publicly owned buildings or facilities.

341 (2) As used in this section, "publicly owned buildings or
342 facilities" means ~~these~~ construction projects under the purview
343 of the Department of Management Services. The term ~~It~~ does not
344 include environmentally endangered land or roads and highway
345 construction under the purview of the Department of
346 Transportation.

347 (3) The Department of Management Services, in consultation
348 with the Department of Environmental Protection, shall adopt
349 rules and guidelines for the required use of Florida-friendly
350 landscaping ~~Xeriscape~~ on public property associated with
351 publicly owned buildings or facilities constructed after June
352 30, 2009 ~~1992~~. The Department of Management Services ~~also~~ shall
353 also develop a 5-year program for phasing in the use of Florida-
354 friendly landscaping ~~Xeriscape~~ on public property associated
355 with publicly owned buildings or facilities constructed before
356 July 1, 2009 ~~1992~~. In accomplishing these tasks, the Department
357 of Management Services shall take into account the standards
358 provided in ~~guidelines set out in~~ s. 373.185(2)(a) ~~(f)~~. The
359 Department of Transportation shall implement Florida-friendly



867422

360 ~~Xeriscape~~ landscaping pursuant to s. 335.167.

361 (4) (a) The Legislature finds that the use of Florida-
362 friendly landscaping and other water use and pollution
363 prevention measures to conserve or protect the state's water
364 resources serves a compelling public interest and that the
365 participation of homeowners' associations and local governments
366 is essential to the state's efforts in water conservation and
367 water quality protection and restoration.

368 (b) A deed restriction, ~~or~~ covenant ~~entered after October~~
369 ~~1, 2001~~, or local government ordinance may not prohibit or be
370 enforced so as to prohibit any property owner from implementing
371 ~~Xeriscape~~ ~~or~~ Florida-friendly landscaping ~~landscape~~ on his or
372 her land or create any requirement or limitation in conflict
373 with any provision of part II of chapter 373 or a water shortage
374 order, other order, consumptive use permit, or rule adopted or
375 issued pursuant to part II of chapter 373.

376 Section 9. Section 335.167, Florida Statutes, is amended to
377 read:

378 335.167 State highway construction and maintenance;
379 ~~Xeriscape~~ ~~or~~ Florida-friendly landscaping.-

380 (1) The department shall use and require the use of
381 Florida-friendly landscaping ~~Xeriscape~~ practices, as defined in
382 s. 373.185~~(1)~~, in the construction and maintenance of all new
383 state highways, wayside parks, access roads, welcome stations,
384 and other state highway rights-of-way constructed upon or
385 acquired after June 30, 2009 ~~1992~~. The department shall develop
386 a 5-year program for phasing in the use of Florida-friendly
387 landscaping ~~Xeriscape~~, including the use of solid waste compost,
388 in state highway rights-of-way constructed upon or acquired



867422

389 before July 1, 2009 ~~1992~~. In accomplishing these tasks, the
390 department shall employ the standards ~~guidelines~~ set out in s.
391 373.185(2)(a) ~~(f)~~.

392 (2) (a) The Legislature finds that the use of Florida-
393 friendly landscaping and other water use and pollution
394 prevention measures to conserve or protect the state's water
395 resources serves a compelling public interest and that the
396 participation of homeowners' associations and local governments
397 is essential to the state's efforts in water conservation and
398 water quality protection and restoration.

399 (b) A deed restriction, ~~or~~ covenant entered after October
400 1, 2001, or local government ordinance may not prohibit or be
401 enforced so as to prohibit any property owner from implementing
402 ~~Xeriscape or Florida-friendly landscaping~~ landscape on his or
403 her land or create any requirement or limitation in conflict
404 with any provision of part II of chapter 373 or a water shortage
405 order, other order, consumptive use permit, or rule adopted or
406 issued pursuant to part II of chapter 373.

407 Section 10. Paragraph (a) of subsection (3) of section
408 380.061, Florida Statutes, is amended to read:

409 380.061 The Florida Quality Developments program.—

410 (3) (a) To be eligible for designation under this program,
411 the developer shall comply with each of the following
412 requirements if which is applicable to the site of a qualified
413 development:

414 1. Donate or enter ~~Have donated or entered~~ into a binding
415 commitment to donate the fee or a lesser interest sufficient to
416 protect, in perpetuity, the natural attributes of the types of
417 land listed below. In lieu of this ~~the above~~ requirement, the



867422

418 developer may enter into a binding commitment that ~~which~~ runs
419 with the land to set aside such areas on the property, in
420 perpetuity, as open space to be retained in a natural condition
421 or as otherwise permitted under this subparagraph. Under the
422 requirements of this subparagraph, the developer may reserve the
423 right to use such areas for ~~the purpose of~~ passive recreation
424 that is consistent with the purposes for which the land was
425 preserved.

426 a. Those wetlands and water bodies throughout the state
427 which ~~as~~ would be delineated if the provisions of s.
428 373.4145(1)(b) were applied. The developer may use such areas
429 for the purpose of site access, provided other routes of access
430 are unavailable or impracticable; may use such areas for the
431 purpose of stormwater or domestic sewage management and other
432 necessary utilities if ~~to the extent that~~ such uses are
433 permitted pursuant to chapter 403; or may redesign or alter
434 wetlands and water bodies within the jurisdiction of the
435 Department of Environmental Protection which have been
436 artificially created, if the redesign or alteration is done so
437 as to produce a more naturally functioning system.

438 b. Active beach or primary and, where appropriate,
439 secondary dunes, to maintain the integrity of the dune system
440 and adequate public accessways to the beach. However, the
441 developer may retain the right to construct and maintain
442 elevated walkways over the dunes to provide access to the beach.

443 c. Known archaeological sites determined to be of
444 significance by the Division of Historical Resources of the
445 Department of State.

446 d. Areas known to be important to animal species designated



867422

447 as endangered or threatened ~~animal species~~ by the United States
448 Fish and Wildlife Service or by the Fish and Wildlife
449 Conservation Commission, for reproduction, feeding, or nesting;
450 for traveling between such areas used for reproduction, feeding,
451 or nesting; or for escape from predation.

452 e. Areas known to contain plant species designated as
453 endangered ~~plant species~~ by the Department of Agriculture and
454 Consumer Services.

455 2. Produce, or dispose of, no substances designated as
456 hazardous or toxic substances by the United States Environmental
457 Protection Agency, ~~or by~~ the Department of Environmental
458 Protection, or the Department of Agriculture and Consumer
459 Services. This subparagraph does ~~is~~ not ~~intended to~~ apply to the
460 production of these substances in nonsignificant amounts as
461 would occur through household use or incidental use by
462 businesses.

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

465 4. Incorporate no dredge and fill activities in, and no
466 stormwater discharge into, waters designated as Class II,
467 aquatic preserves, or Outstanding Florida Waters, except as
468 ~~activities in those waters are~~ permitted pursuant to s.
469 403.813(2), and the developer demonstrates that those activities
470 meet the standards under Class II waters, Outstanding Florida
471 Waters, or aquatic preserves, as applicable.

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



867422

476 6. Provide for construction and maintenance of all onsite
477 infrastructure necessary to support the project and enter into a
478 binding commitment with local government to provide an
479 appropriate fair-share contribution toward the offsite impacts
480 that ~~which~~ the development will impose on publicly funded
481 facilities and services, except offsite transportation, and
482 condition or phase the commencement of development to ensure
483 that public facilities and services, except offsite
484 transportation, are ~~will be~~ available concurrent with the
485 impacts of the development. For the purposes of offsite
486 transportation impacts, the developer shall comply, at a
487 minimum, with the standards of the state land planning agency's
488 development-of-regional-impact transportation rule, the approved
489 strategic regional policy plan, any applicable regional planning
490 council transportation rule, and the approved local government
491 comprehensive plan and land development regulations adopted
492 pursuant to part II of chapter 163.

493 7. Design and construct the development in a manner that is
494 consistent with the adopted state plan, the applicable strategic
495 regional policy plan, and the applicable adopted local
496 government comprehensive plan.

497 Section 11. Subsection (3) of section 388.291, Florida
498 Statutes, is amended to read:

499 388.291 Source reduction measures; supervision by
500 department.-

501 (3) Property owners in a developed residential area shall
502 ~~are required to~~ maintain their property in ~~such~~ a manner that
503 does so ~~as~~ not ~~to~~ create or maintain any standing freshwater
504 condition capable of breeding mosquitoes or other arthropods in



867422

505 significant numbers so as to constitute a public health,
506 welfare, or nuisance problem. ~~Nothing in~~ This subsection does
507 not authorize ~~shall permit~~ the alteration of permitted
508 stormwater management systems or prohibit maintained fish ponds,
509 Florida-friendly landscaping ~~xeriscaping~~, or other maintained
510 systems of landscaping or vegetation. If such a condition is
511 found to exist, the local arthropod control agency shall serve
512 notice on the property owner to treat, remove, or abate the
513 condition. Such notice is ~~shall serve as~~ prima facie evidence of
514 maintaining a nuisance, and upon failure of the property owner
515 to treat, remove, or abate the condition, the local arthropod
516 control agency or any affected citizen may proceed pursuant to
517 s. 60.05 to enjoin the nuisance and may recover costs and
518 attorney's fees if they prevail in the action.

519 Section 12. Paragraph (a) of subsection (6) of section
520 481.303, Florida Statutes, is amended to read:

521 481.303 Definitions.—As used in this chapter:

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

524 (a) Consultation, investigation, research, planning,
525 design, preparation of drawings, specifications, contract
526 documents and reports, responsible construction supervision, or
527 landscape management in connection with the planning and
528 development of land and incidental water areas, including the
529 use of Florida-friendly landscaping ~~xeriscape~~ as defined in s.
530 373.185, where, and to the extent that, the dominant purpose of
531 such services or creative works is the preservation,
532 conservation, enhancement, or determination of proper land uses,
533 natural land features, ground cover and plantings, or



867422

534 naturalistic and aesthetic values;

535 Section 13. Subsection (4) of section 720.3075, Florida
536 Statutes, is amended to read:

537 720.3075 Prohibited clauses in association documents.-

538 (4) (a) The Legislature finds that the use of Florida-
539 friendly landscaping and other water use and pollution
540 prevention measures to conserve or protect the state's water
541 resources serves a compelling public interest and that the
542 participation of homeowners' associations and local governments
543 is essential to the state's efforts in water conservation and
544 water quality protection and restoration.

545 (b) Homeowners' association documents, including
546 declarations of covenants, articles of incorporation, or bylaws,
547 ~~entered after October 1, 2001,~~ may not prohibit or be enforced
548 so as to prohibit any property owner from implementing ~~Xeriscape~~
549 ~~or Florida-friendly landscaping landscape,~~ as defined in s.
550 373.185(1), on his or her land or create any requirement or
551 limitation in conflict with any provision of part II of chapter
552 373 or a water shortage order, other order, consumptive use
553 permit, or rule adopted or issued pursuant to part II of chapter
554 373.

555 Section 14. This act shall take effect July 1, 2009.

556
557 ===== T I T L E A M E N D M E N T =====

558 And the title is amended as follows:

559 Delete everything before the enacting clause
560 and insert:

561 A bill to be entitled

562 An act relating to water resources; amending s.



867422

563 373.185, F.S.; revising the definition of Florida-
564 friendly landscaping; deleting references to
565 "xeriscape"; requiring water management districts to
566 provide model Florida-friendly landscaping ordinances
567 to local governments; revising eligibility criteria
568 for certain incentive programs of the water management
569 districts; requiring certain local government
570 ordinances and amendments to include certain design
571 standards and identify specified invasive exotic plant
572 species; requiring water management districts to
573 consult with additional entities for activities
574 relating to Florida-friendly landscaping practices;
575 specifying programs for the delivery of educational
576 programs relating to such practices; providing
577 legislative findings; providing that certain
578 regulations prohibiting the implementation of Florida-
579 friendly landscaping or conflicting with provisions
580 governing the permitting of consumptive uses of water
581 are prohibited; providing that the act does not limit
582 the authority of the department or the water
583 management districts to require Florida-friendly
584 landscaping ordinances or practices as a condition of
585 certain permit; creating s. 373.187, F.S.; requiring
586 water management districts to implement Florida-
587 friendly landscaping practices on specified
588 properties; requiring districts to develop specified
589 programs for implementing such practices on other
590 specified properties; amending s. 373.228, F.S.;
591 requiring water management districts to work with



867422

592 specified entities to develop certain standards;
593 requiring water management districts to consider
594 certain information in evaluating water use
595 applications from public water suppliers; conforming
596 provisions to changes made by the act; amending s.
597 373.323, F.S.; revising application requirements for
598 water well contractor licensure; requiring applicants
599 to provide specified documentation; amending s.
600 373.333, F.S.; authorizing an administrative fine to
601 be imposed for each occurrence of unlicensed well
602 water contracting; amending ss. 125.568, 166.048,
603 255.259, 335.167, 380.061, 388.291, 481.303, and
604 720.3075, F.S.; conforming provisions to changes made
605 by the act; revising provisions requiring the use of
606 Florida-friendly landscaping for specified public
607 properties and highway construction and maintenance
608 projects; providing an effective date.