



265192

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2009	.	
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	.	

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

1 **Senate Substitute for Amendment (879040) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 373.62, Florida Statutes, is amended to
7 read:

8 373.62 Water conservation; automatic sprinkler systems.—

9 (1) Any person who operates ~~purchases and installs~~ an
10 automatic irrigation ~~lawn sprinkler~~ system after ~~May 1, 1991,~~
11 shall properly install, ~~and must~~ maintain, and operate



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12 technology, a rain sensor device or switch that inhibits or
13 interrupts operation of will override the landscape irrigation
14 cycle of the sprinkler system during periods of sufficient
15 moisture when adequate rainfall has occurred.

16 (2) A licensed contractor who performs work on an automatic
17 irrigation system shall test for correct operation of each
18 device or switch on that system. If such devices or switches are
19 not installed in the system or are not in proper operating
20 condition, the contractor shall install new ones or repair the
21 existing ones and confirm that each device or switch is in
22 proper operating condition before completing any other work on
23 the system.

24 (3) The department shall create a model ordinance by
25 January 15, 2010, to be adopted and enforced by governments in
26 order to administer this section. Such ordinance shall, at a
27 minimum, provide:

28 (a) Penalties for the operators of automatic sprinkler
29 systems who do not properly install and maintain the required
30 devices or switches and penalties for licensed contractors who
31 do not comply with this section. The minimum penalties shall be
32 \$50 for a first offense, \$100 for a second offense, and \$250 for
33 a third or subsequent offense.

34 (b) Requirements for licensed contractors to report systems
35 that are not in compliance with this section to the appropriate
36 authority.

37 (c) Penalties for licensed contractors who do not comply
38 with the provisions of this section, which shall be \$50 for a
39 first offense, \$100 for a second offense, and \$250 for a third
40 or subsequent offense.



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41
42 For the purpose of this section, regular maintenance and
43 replacement of worn or broken technology that interrupts or
44 inhibits operation of the device or switch is not considered a
45 violation of this section if such repairs are conducted within a
46 reasonable time.

47 (4) Local governments shall adopt the model ordinance no
48 later than October 1, 2010.

49 (5) Funds generated by such penalties shall be retained by
50 the local government to further water-conservation activities.

51 Section 2. This act shall take effect July 1, 2009.

52
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete lines 9 - 10

56 and insert:

57 systems; requiring the adoption of model ordinances; providing
58 penalties