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LEGISLATIVE ACTION

Senate

House

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04/24/2009 03:56 PM

Senator Bennett moved the following:

Senate Amendment

Delete lines 105 - 207
and insert:

(7) (a) The Legislature recognizes that lawn and landscape irrigation systems use a substantial amount of the state's potable water. The Legislature finds that smart irrigation systems that use soil moisture sensors with remote monitoring and adjustment capabilities, if properly installed and monitored, provide more efficient irrigation and save substantially more water than conventional time-controlled irrigation systems. This is because smart irrigation systems



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13 apply water to lawns and plants only as necessary to maintain
14 required soil moisture, thus minimizing the overwatering or
15 unnecessary watering that occurs with conventional irrigation
16 systems. However, in order for this technology to optimize the
17 efficient application of water it cannot be subject to day or
18 days-of-the-week watering restrictions. The Legislature,
19 therefore, recognizes that enacting a statewide process to
20 provide an exemption from local water restriction ordinances
21 will accelerate the adoption of this water saving technology.
22 Further, a uniform exemption process will streamline variance
23 procedures and minimize delay in implementing such technology.
24 The longer it takes to approve soil moisture sensor control
25 systems, the more potable water is wasted. A uniform variance
26 process will allow state residents to maintain their property
27 and protect water resources while enjoying their landscapes.

28 (b) For purposes of this subsection, the term:

29 1. "Monitoring entity" means a local government, community
30 development district created pursuant to chapter 190, a
31 homeowners' association created pursuant to chapter 720, a
32 condominium association created pursuant to chapter 718, a
33 cooperative created pursuant to chapter 719, or a public or
34 private utility.

35 2. "Soil moisture sensor" means a soil-based device that
36 assesses the available plant soil moisture in order to minimize
37 the unnecessary use of water and optimize the effectiveness of
38 an irrigation system.

39 3. "Soil moisture sensor control system" is the collective
40 term for an entire soil moisture sensor system that has remote
41 monitoring and adjustment capability.



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42 (c) A variance from day or days-of-the-week watering
43 restrictions, which shall include the maximum soil set point for
44 different soil types within the monitoring entity's
45 jurisdiction, shall be granted by the applicable water
46 management district for any residential, commercial, or
47 recreational user within a monitoring entity's jurisdiction
48 having a soil moisture sensor control system if the monitoring
49 entity certifies that:

50 1. Each soil moisture sensor control system installed
51 within its jurisdiction will have multiple soil sensors that
52 conform to different soil types and slopes in order to optimize
53 water use for each user, adjust irrigation schedules based on
54 soil moisture requirements, and be installed by a licensed
55 contractor in a manner that is consistent with the Field Guide
56 to Soil Moisture Sensor Use in Florida by the University of
57 Florida IFAS Extension Program for Resource Efficient
58 Communities.

59 2. It has the ability to monitor the status of each
60 individual user's system and to remotely modify the system
61 settings for irrigation cycles and run times.

62 3. It will electronically post and update a list of active
63 users of soil moisture sensor control systems within its
64 jurisdiction on a monthly basis and provide Internet access to
65 such listing and the monitoring database to the water management
66 district and the local government.

67 4. It shall provide notice to a user of noncompliant
68 activity within 48 hours after such activity and, if the user
69 does not take corrective action within 48 hours after such
70 notice, it will remove the posted notice required in



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71 subparagraph 5. and remove the user from the active users list
72 required by subparagraph 3.

73 5. It shall post a notice at each parcel that has installed
74 a compliant soil moisture sensor control system in plain view
75 from the nearest roadway stating: "Irrigating with Smart
76 Irrigation Controller," with the address of the parcel, and
77 shall remove the notice if the user is no longer being monitored
78 by the monitoring entity.

79 (d) Upon installation of a soil moisture sensor control
80 system, the licensed contractor shall certify to the monitoring
81 entity that subparagraphs (c)1. and (c)2. have been met.

82 1. The monitoring entity shall post the notice required by
83 subparagraph (c)5. on the user's property and update the
84 Internet listing of users of active soil moisture sensor control
85 systems to include the new user.

86 2. On an annual basis a professional engineer licensed
87 under chapter 471 or a professional landscape architect licensed
88 under chapter 481 shall perform an annual maintenance review of
89 all soil moisture sensor control systems within the monitoring
90 entity's jurisdiction and certify to the monitoring entity which
91 systems are properly operating and in compliance with paragraph
92 (c). The monitoring entity shall update its Internet listing of
93 users of active soil moisture sensor control systems based on
94 the certification.

95 (e) Failure by the monitoring entity to ensure continual
96 compliance with the condition of this variance shall be cause
97 for the appropriate water management district to revoke the
98 variance upon proper notice to the monitoring entity.

99 (f) The variance provided in this subsection applies to day



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100 or days-of-the-week watering restrictions of the water
101 management district as preempted by s. 373.217. All other
102 applicable local government and water management district
103 restrictions related to irrigation, including, but not limited
104 to, a prohibition on irrigation and time-of-day watering
105 requirements and water shortage or emergency orders issued
106 pursuant to s. 373.246(2) and (7), remain applicable to the soil
107 moisture sensor control system users within a monitoring
108 entity's jurisdiction.

109 (g) This subsection does not require a property owner to
110 install a soil moisture sensor control system. This subsection
111 also does not prohibit a property owner from installing soil
112 moisture sensors and seeking an individual variance from the
113 applicable water management district even if such property is
114 located within the jurisdiction of a monitoring entity that has
115 been granted a variance pursuant to paragraph (c).