

By Senator Bennett

21-00452-09

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1                   A bill to be entitled  
 2           An act relating to water conservation; amending s.  
 3           373.62, F.S.; revising the requirements for automatic  
 4           lawn sprinkler systems; requiring irrigation  
 5           contractors to inspect such systems for compliance  
 6           with requirements for rain or soil-moisture sensor  
 7           devices or switches and ensure that such systems are  
 8           in compliance before completing other work on the  
 9           systems; authorizing the Department of Environmental  
 10          Protection to adopt rules; providing penalties;  
 11          providing for the disposition of funds raised through  
 12          penalties imposed; providing an effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

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 16           Section 1. Section 373.62, Florida Statutes, is amended to  
 17          read:

18           373.62 Water conservation; automatic sprinkler systems.—  
 19           (1) Any person who operates ~~purchases and installs~~ an  
 20          automatic lawn sprinkler system ~~after May 1, 1991,~~ shall  
 21          install, ~~and must maintain,~~ and operate, ~~a rain or soil-moisture~~  
 22          sensor ~~devices~~ device or ~~switches~~ switch that will override the  
 23          irrigation cycle of the sprinkler system when adequate rainfall  
 24          has occurred.

25           (2) A licensed irrigation contractor shall test for correct  
 26          operation of each rain or soil-moisture sensor device or switch  
 27          on any system upon which the contractor performs work. If one or  
 28          more rain or soil-moisture sensor devices or switches are not  
 29          installed in the system or are not in proper operating

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30 condition, the contractor shall install new ones or repair the  
31 existing ones and confirm that each such device or switch is in  
32 proper operating condition before completing any other service  
33 to the system.

34 (3) The Department of Environmental Protection may adopt  
35 rules to administer this section. Such rules shall, at a  
36 minimum, provide:

37 (a) Penalties for a property owner who fails to install the  
38 required device. The minimum penalties shall be \$50 for a first  
39 offense, \$100 for a second offense, and \$250 for a third or  
40 subsequent offense.

41 (b) Requirements for contractors to report noncomplying  
42 systems to the appropriate authority.

43 (c) Authority to delegate enforcement of this section to  
44 water management districts or local governments.

45 (d) A model ordinance to be used by local governments.

46 (4) Funds generated by such penalties shall be retained by  
47 the appropriate entity to further water-conservation activities.  
48 Penalties remitted to the Department of Environmental Protection  
49 shall be deposited into the Water Protection and Sustainability  
50 Program Trust Fund.

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