

By the Committees on Community Affairs; and Environmental Preservation and Conservation; and Senator Bennett

578-02346A-09

2009494c2

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 landscape irrigation systems; requiring irrigation
 5 contractors to test for the correct operation of
 6 system devices or switches and ensure their proper
 7 operation before completing other work on the system;
 8 requiring the Department of Environmental Protection
 9 to create a model ordinance for adoption by local
 10 governments; providing penalties; exempting counties
 11 having more stringent requirements from adopting the
 12 model ordinance; providing for the disposition of
 13 funds raised through penalties imposed; providing an
 14 effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

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

20 373.62 Water conservation; automatic sprinkler systems.—

21 (1) Any person who operates ~~purchases and installs~~ an
 22 automatic landscape irrigation ~~lawn sprinkler~~ system ~~after May~~
 23 ~~1, 1991,~~ shall properly install, ~~and must~~ maintain, and operate
 24 technology, ~~a rain sensor device or switch~~ that inhibits or
 25 interrupts operation of ~~will override the irrigation cycle of~~
 26 ~~the sprinkler system~~ during periods of sufficient moisture ~~when~~
 27 ~~adequate rainfall has occurred.~~

28 (2) A licensed contractor who performs work on an automatic
 29 landscape irrigation system shall test for the correct operation

578-02346A-09

2009494c2

30 of each inhibiting or interrupting device or switch on that
31 system. If such devices or switches are not installed in the
32 system or are not in proper operating condition, the contractor
33 must install new ones or repair the existing ones and confirm
34 that each device or switch is in proper operating condition
35 before completing any other work on the system.

36 (3) The department shall create a model ordinance by
37 January 15, 2010, to be adopted and enforced by local
38 governments. Such ordinance must, at a minimum, provide:

39 (a) Penalties for operators of automatic landscape
40 irrigation systems who do not properly install and maintain the
41 required devices or switches. The minimum penalty must be \$50
42 for a first offense, \$100 for a second offense, and \$250 for a
43 third or subsequent offense.

44 (b) A requirement that licensed contractors report
45 automatic landscape irrigation systems that are not in
46 compliance with this section to the appropriate authority.

47 (c) Penalties for licensed contractors who do not comply
48 with the provisions of this section. The minimum penalty must be
49 \$50 for a first offense, \$100 for a second offense, and \$250 for
50 a third or subsequent offense.

51
52 Regular maintenance and replacement of worn or broken technology
53 which interrupts or inhibits the operation of an automatic
54 landscape irrigation system is not a violation of this section
55 if such repairs are conducted within a reasonable time.

56 (4) Local governments shall adopt the model ordinance by
57 October 1, 2010. Local governments that impose requirements that
58 are more stringent than the minimum requirements of the model

578-02346A-09

2009494c2

59 ordinance are exempt from adopting the ordinance.

60 (5) Funds generated by penalties imposed under the
61 ordinance shall be used by the local government for the
62 administration and enforcement of this section and to further
63 water-conservation activities.

64 (6) For purposes of this section, a licensed contractor
65 also includes an individual who holds a specific irrigation
66 contractor's license issued by a county.

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