

1                   A bill to be entitled  
2           An act relating to water resources; amending s. 373.185,  
3           F.S.; providing legislative findings regarding the use of  
4           Florida-friendly landscape; revising the principles of  
5           Florida-friendly landscape; deleting references to  
6           "xeriscape"; revising eligibility criteria for certain  
7           water management district incentive programs; requiring  
8           certain local government ordinances and amendments to  
9           incorporate specified landscape irrigation and design  
10          standards and identify specified invasive exotic plant  
11          species; requiring water management districts to consult  
12          with additional entities for activities relating to  
13          Florida-friendly landscape practices; specifying the  
14          University of Florida's Yards and Neighborhoods extension  
15          program or a similar program as a primary resource for the  
16          delivery of educational programs relating to such  
17          practices; providing that such programs are exempt from  
18          ch. 120; providing that certain regulations prohibiting  
19          the implementation of Florida-friendly landscape or  
20          conflicting with provisions governing the permitting of  
21          consumptive uses of water are prohibited; providing  
22          construction; amending s. 373.323, F.S.; revising  
23          application requirements for water well contractor  
24          licensure; requiring applicants to provide specified  
25          documentation; amending ss. 125.568, 166.048, 255.259,  
26          335.167, 373.228, 380.061, 388.291, 481.303, and 720.3075,  
27          F.S.; conforming provisions to changes made by the act;  
28          providing an effective date.

29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

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

Section 1. Section 373.185, Florida Statutes, is amended to read:

373.185 Local Florida-friendly ~~Xeriscape~~ ordinances.--

(1) The Legislature finds that the use of Florida-friendly landscaping and other measures that conserve the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to state water conservation efforts.

(2)~~(1)~~ As used in this section, the term:

(a) "Local government" means any county or municipality of the state.

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

56            ~~(3)-(2)~~ Each water management district shall design and  
 57 implement an incentive program to encourage all local  
 58 governments within its district to adopt new ordinances or amend  
 59 existing ordinances to require Florida-friendly ~~Xeriscape~~  
 60 landscaping for development permitted after the effective date  
 61 of the new ordinance or amendment. Each district shall establish  
 62 criteria ~~adopt rules governing the implementation of its~~  
 63 ~~incentive program and~~ governing the review and approval of local  
 64 government Florida-friendly landscape ~~Xeriscape~~ ordinances or  
 65 amendments which are intended to qualify a local government for  
 66 the incentive program. Each district shall assist the local  
 67 governments within its jurisdiction by providing a model  
 68 Florida-friendly landscape ~~Xeriscape~~ code and other technical  
 69 assistance. A local government Florida-friendly landscape  
 70 ~~Xeriscape~~ ordinance or amendment, in order to qualify the local  
 71 government for a district's incentive program, must include, at  
 72 a minimum:

73            (a) Landscape design, installation, and maintenance  
 74 standards that result in water conservation. Such standards  
 75 shall address the use of plant groupings, soil analysis  
 76 including the promotion of the use of solid waste compost,  
 77 efficient irrigation systems, and other water-conserving  
 78 practices.

79            (b) Identification of prohibited invasive exotic plant  
 80 species consistent with the provisions of s. 581.091.

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

84 (d) A provision specifying the maximum percentage of turf  
 85 and the maximum percentage of impervious surfaces allowed in a  
 86 Florida-friendly landscaped ~~xeriscape~~ area and addressing the  
 87 practical selection and installation of turf.

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

90 (f) A monitoring program for ordinance implementation and  
 91 compliance.

92 (g) Incorporation of the landscape irrigation and Florida-  
 93 friendly landscape design standards developed pursuant to s.  
 94 373.228 (4).

95  
 96 The districts also shall work with local governments, county  
 97 extension agents or offices, nursery and landscape industry  
 98 groups, and other interested stakeholders to promote, through  
 99 educational programs and publications, the use of Florida-  
 100 friendly landscape ~~xeriscape~~ practices, including the use of  
 101 solid waste compost, in existing residential and commercial  
 102 development. The districts shall use the University of Florida's  
 103 Yards and Neighborhoods extension program or a similar program  
 104 as a primary resource for the delivery of educational programs  
 105 to individual homeowners and homeowners' associations. This  
 106 subsection is exempt from the provisions of chapter 120 ~~section~~  
 107 ~~may not be construed to limit the authority of the districts to~~  
 108 ~~require Xeriscape ordinances or practices as a condition of any~~  
 109 ~~consumptive use permit.~~

110 (4) ~~(3)~~ A deed restriction, or ~~or~~ covenant ~~entered after~~  
 111 ~~October 1, 2001,~~ or local government ordinance may not be

112 enforced to prohibit any property owner from implementing  
 113 ~~Xeriscape or~~ Florida-friendly landscape on his or her land and  
 114 may not create any requirement or limitation in conflict with  
 115 any provision of part II.

116 (5) This section may not be construed to limit the  
 117 authority of the districts to require Florida-friendly landscape  
 118 ordinances or practices as a condition of any permit under part  
 119 II or part IV.

120 Section 2. Subsection (3) of section 373.323, Florida  
 121 Statutes, is amended to read:

122 373.323 Licensure of water well contractors; application,  
 123 qualifications, and examinations; equipment identification.--

124 (3) An applicant who meets the following requirements  
 125 shall be entitled to take the water well contractor licensure  
 126 examination ~~to practice water well contracting:~~

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

128 (b) Has at least 2 years of experience in constructing,  
 129 repairing, or abandoning water wells. Satisfactory proof of such  
 130 experience shall be demonstrated by providing:

131 1. Evidence of the length of time the applicant has been  
 132 engaged in the business of the construction, repair, or  
 133 abandonment of water wells as a major activity, as attested to  
 134 by three letters from any of the following persons:

135 a. Water well contractors.

136 b. Water well drillers.

137 c. Water well parts and equipment vendors.

138 d. Water well inspectors employed by a governmental  
 139 agency.

140           2. A list of at least 10 water wells that the applicant  
 141 has constructed, repaired, or abandoned within the preceding 5  
 142 years. Of these wells, at least seven must have been  
 143 constructed, as defined in s. 373.303(2), by the applicant. The  
 144 list to be provided under this subparagraph shall also include:

145           a. The name and address of the owner or owners of each  
 146 well.

147           b. The location, primary use, and approximate depth and  
 148 diameter of each well the applicant has constructed, repaired,  
 149 or abandoned.

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

152           (c) Has completed the application form and remitted a  
 153 nonrefundable application fee.

154           Section 3. Section 125.568, Florida Statutes, is amended  
 155 to read:

156           125.568 Conservation of water; Florida-friendly landscape  
 157 ~~Xeriscape~~.--

158           (1) (a) The Legislature finds that Florida-friendly  
 159 landscape ~~Xeriscape~~ contributes to the conservation of water. In  
 160 an effort to meet the water needs of this state in a manner that  
 161 will supply adequate and dependable supplies of water where  
 162 needed, it is the intent of the Legislature that Florida-  
 163 friendly landscape ~~Xeriscape~~ be an essential part of water  
 164 conservation planning.

165           (b) ~~"Xeriscape"~~ or "Florida-friendly landscape" means  
 166 quality landscapes that conserve water, and protect the  
 167 environment, ~~and~~ are adaptable to local conditions, and ~~which~~

168 are drought tolerant. The principles of Florida-friendly  
169 landscape Xeriscape include planting the right plant in the  
170 right place, efficient watering, appropriate fertilization,  
171 mulching, attraction of wildlife, responsible management of yard  
172 pests, recycling yard waste, reduction of stormwater runoff, and  
173 waterfront protection. Additional components of Florida-friendly  
174 landscape include planning and design, ~~appropriate choice of~~  
175 ~~plants,~~ soil analysis which may include the use of solid waste  
176 compost, practical use of turf, ~~efficient irrigation,~~  
177 ~~appropriate use of mulches,~~ and proper maintenance.

178 (2) The board of county commissioners of each county shall  
179 consider enacting ordinances requiring the use of Florida-  
180 friendly landscape Xeriscape as a water conservation measure. If  
181 the board determines that Florida-friendly landscape Xeriscape  
182 would be of significant benefit as a water conservation measure  
183 relative to the cost to implement Florida-friendly Xeriscape  
184 landscaping in its area of jurisdiction, the board shall enact a  
185 Florida-friendly landscape Xeriscape ordinance. Further, the  
186 board of county commissioners shall consider promoting Florida-  
187 friendly landscape Xeriscape as a water conservation measure by:  
188 using Florida-friendly landscape Xeriscape in, around, or near  
189 facilities, parks, and other common areas under its jurisdiction  
190 that ~~which~~ are landscaped after the effective date of this act;  
191 providing public education on Florida-friendly landscape  
192 Xeriscape, its uses as a water conservation tool, and its long-  
193 term cost-effectiveness; and offering incentives to local  
194 residents and businesses to implement Florida-friendly Xeriscape  
195 landscaping.

196 (3) A deed restriction, ~~or~~ covenant ~~entered after October~~  
 197 ~~1, 2001~~, or local government ordinance may not be enforced to  
 198 prohibit any property owner from implementing ~~Xeriscape or~~  
 199 Florida-friendly landscape on his or her land and may not create  
 200 any requirement or limitation in conflict with any provision of  
 201 part II of chapter 373.

202 Section 4. Section 166.048, Florida Statutes, is amended  
 203 to read:

204 166.048 Conservation of water; Florida-friendly landscape  
 205 ~~Xeriscape~~.--

206 (1) (a) The Legislature finds that Florida-friendly  
 207 landscape ~~Xeriscape~~ contributes to the conservation of water. In  
 208 an effort to meet the water needs of this state in a manner that  
 209 will supply adequate and dependable supplies of water where  
 210 needed, it is the intent of the Legislature that Florida-  
 211 friendly landscape ~~Xeriscape~~ be an essential part of water  
 212 conservation planning.

213 (b) ~~"Xeriscape" or "Florida-friendly landscape"~~ means  
 214 quality landscapes that conserve water, and protect the  
 215 environment, and are adaptable to local conditions, and ~~which~~  
 216 are drought tolerant. The principles of Florida-friendly  
 217 landscape ~~Xeriscape~~ include planting the right plant in the  
 218 right place, efficient watering, appropriate fertilization,  
 219 mulching, attraction of wildlife, responsible management of yard  
 220 pests, recycling yard waste, reduction of stormwater runoff, and  
 221 waterfront protection. Additional components of Florida-friendly  
 222 landscape include planning and design, ~~appropriate choice of~~  
 223 ~~plants,~~ soil analysis which may include the use of solid waste



224 compost, practical use of turf, ~~efficient irrigation,~~  
 225 ~~appropriate use of mulches,~~ and proper maintenance.

226 (2) The governing body of each municipality shall consider  
 227 enacting ordinances requiring the use of Florida-friendly  
 228 landscape ~~Xeriscape~~ as a water conservation measure. If the  
 229 governing body determines that Florida-friendly landscape  
 230 ~~Xeriscape~~ would be of significant benefit as a water  
 231 conservation measure relative to the cost to implement Florida-  
 232 friendly ~~Xeriscape~~ landscaping in its area of jurisdiction in  
 233 the municipality, the board shall enact a Florida-friendly  
 234 landscape ~~Xeriscape~~ ordinance. Further, the governing body shall  
 235 consider promoting Florida-friendly landscape ~~Xeriscape~~ as a  
 236 water conservation measure by: using Florida-friendly landscape  
 237 ~~Xeriscape~~ in, around, or near facilities, parks, and other  
 238 common areas under its jurisdiction that ~~which~~ are landscaped  
 239 after the effective date of this act; providing public education  
 240 on Florida-friendly landscape ~~Xeriscape~~, its uses as a water  
 241 conservation tool, and its long-term cost-effectiveness; and  
 242 offering incentives to local residents and businesses to  
 243 implement Florida-friendly ~~Xeriscape~~ landscaping.

244 (3) A deed restriction, ~~or~~ covenant ~~entered after October~~  
 245 ~~1, 2001,~~ or local government ordinance may not be enforced to  
 246 prohibit any property owner from implementing ~~Xeriscape~~ ~~or~~  
 247 Florida-friendly landscape on his or her land and may not create  
 248 any requirement or limitation in conflict with any provision of  
 249 part II of chapter 373.

250 Section 5. Section 255.259, Florida Statutes, is amended  
 251 to read:

252           255.259 Florida-friendly ~~Xeriscape~~ landscaping on public  
 253 property.--

254           (1) The Legislature finds that water conservation is  
 255 increasingly critical to the continuance of an adequate water  
 256 supply for the citizens of this state. The Legislature further  
 257 finds that "Florida-friendly landscape ~~Xeriscape~~," as defined in  
 258 s. 373.185, can contribute significantly to the conservation of  
 259 water. Finally, the Legislature finds that state government has  
 260 the responsibility to promote Florida-friendly landscape  
 261 ~~Xeriscape~~ as a water conservation measure by using Florida-  
 262 friendly landscape ~~Xeriscape~~ on public property associated with  
 263 publicly owned buildings or facilities.

264           (2) As used in this section, "publicly owned buildings or  
 265 facilities" means those construction projects under the purview  
 266 of the Department of Management Services. It does not include  
 267 environmentally endangered land or roads and highway  
 268 construction under the purview of the Department of  
 269 Transportation.

270           (3) The Department of Management Services, in consultation  
 271 with the Department of Environmental Protection, shall adopt  
 272 rules and guidelines for the required use of Florida-friendly  
 273 landscape ~~Xeriscape~~ on public property associated with publicly  
 274 owned buildings or facilities constructed after June 30, 1992.  
 275 The Department of Management Services also shall develop a 5-  
 276 year program for phasing in the use of Florida-friendly  
 277 landscape ~~Xeriscape~~ on public property associated with publicly  
 278 owned buildings or facilities constructed before July 1, 1992.  
 279 In accomplishing these tasks, the Department of Management

HB 593

2009

280 Services shall take into account the guidelines set out in s.  
 281 373.185(3) (a) - (g) ~~(2) (a) - (f)~~. The Department of Transportation  
 282 shall implement Florida-friendly ~~Xeriscape~~ landscaping pursuant  
 283 to s. 335.167.

284 (4) A deed restriction, ~~or~~ covenant entered after October  
 285 1, 2001, or local government ordinance may not be enforced to  
 286 prohibit any property owner from implementing ~~Xeriscape~~ or  
 287 Florida-friendly landscape on his or her land and may not create  
 288 any requirement or limitation in conflict with any provision of  
 289 part II of chapter 373.

290 Section 6. Section 335.167, Florida Statutes, is amended  
 291 to read:

292 335.167 State highway construction and maintenance;  
 293 ~~Xeriscape~~ or Florida-friendly landscaping.--

294 (1) The department shall use and require the use of  
 295 Florida-friendly landscape ~~Xeriscape~~ practices, as defined in s.  
 296 373.185(2) ~~(1)~~, in the construction and maintenance of all new  
 297 state highways, wayside parks, access roads, welcome stations,  
 298 and other state highway rights-of-way constructed upon or  
 299 acquired after June 30, 1992. The department shall develop a 5-  
 300 year program for phasing in the use of Florida-friendly  
 301 landscape ~~Xeriscape~~, including the use of solid waste compost,  
 302 in state highway rights-of-way constructed upon or acquired  
 303 before July 1, 1992. In accomplishing these tasks, the  
 304 department shall employ the guidelines set out in s.  
 305 373.185(3) (a) - (g) ~~(2) (a) - (f)~~.

306 (2) A deed restriction, ~~or~~ covenant entered after October  
 307 1, 2001, or local government ordinance may not be enforced to

308 | prohibit any property owner from implementing ~~Xeriscape~~ or  
 309 | Florida-friendly landscape on his or her land and may not create  
 310 | any requirement or limitation in conflict with any provision of  
 311 | part II of chapter 373.

312 | Section 7. Subsections (2) and (4) of section 373.228,  
 313 | Florida Statutes, are amended to read:

314 | 373.228 Landscape irrigation design.--

315 | (2) The Legislature finds that landscape irrigation  
 316 | comprises a significant portion of water use and that the  
 317 | current typical landscape irrigation system and Florida-friendly  
 318 | landscape ~~xeriscape~~ designs offer significant potential water  
 319 | conservation benefits.

320 | (4) The water management districts shall work with the  
 321 | Florida Nurserymen and Growers Association, the Florida Chapter  
 322 | of the American Society of Landscape Architects, the Florida  
 323 | Irrigation Society, the Department of Agriculture and Consumer  
 324 | Services, the Institute of Food and Agricultural Sciences, the  
 325 | Department of Environmental Protection, the Department of  
 326 | Transportation, the Florida League of Cities, the Florida  
 327 | Association of Counties, and the Florida Association of  
 328 | Community Developers to develop landscape irrigation and  
 329 | Florida-friendly landscape ~~xeriscape~~ design standards for new  
 330 | construction which incorporate a landscape irrigation system and  
 331 | develop scientifically based model guidelines for urban,  
 332 | commercial, and residential landscape irrigation, including drip  
 333 | irrigation, for plants, trees, sod, and other landscaping. The  
 334 | landscape and irrigation design standards shall be based on the  
 335 | irrigation code defined in the Florida Building Code, Plumbing

336 Volume, Appendix F. Local governments shall use the standards  
 337 and guidelines when developing landscape irrigation and Florida-  
 338 friendly landscape ~~eriscape~~ ordinances. By January 1, 2011, the  
 339 agencies and entities specified in this subsection shall review  
 340 the standards and guidelines to determine whether new research  
 341 findings require a change or modification of the standards and  
 342 guidelines.

343 Section 8. Paragraph (a) of subsection (3) of section  
 344 380.061, Florida Statutes, is amended to read:

345 380.061 The Florida Quality Developments program.--

346 (3) (a) To be eligible for designation under this program,  
 347 the developer shall comply with each of the following  
 348 requirements which is applicable to the site of a qualified  
 349 development:

350 1. Have donated or entered into a binding commitment to  
 351 donate the fee or a lesser interest sufficient to protect, in  
 352 perpetuity, the natural attributes of the types of land listed  
 353 below. In lieu of the above requirement, the developer may enter  
 354 into a binding commitment which runs with the land to set aside  
 355 such areas on the property, in perpetuity, as open space to be  
 356 retained in a natural condition or as otherwise permitted under  
 357 this subparagraph. Under the requirements of this subparagraph,  
 358 the developer may reserve the right to use such areas for the  
 359 purpose of passive recreation that is consistent with the  
 360 purposes for which the land was preserved.

361 a. Those wetlands and water bodies throughout the state as  
 362 would be delineated if the provisions of s. 373.4145(1) (b) were  
 363 applied. The developer may use such areas for the purpose of

364 site access, provided other routes of access are unavailable or  
365 impracticable; may use such areas for the purpose of stormwater  
366 or domestic sewage management and other necessary utilities to  
367 the extent that such uses are permitted pursuant to chapter 403;  
368 or may redesign or alter wetlands and water bodies within the  
369 jurisdiction of the Department of Environmental Protection which  
370 have been artificially created, if the redesign or alteration is  
371 done so as to produce a more naturally functioning system.

372 b. Active beach or primary and, where appropriate,  
373 secondary dunes, to maintain the integrity of the dune system  
374 and adequate public accessways to the beach. However, the  
375 developer may retain the right to construct and maintain  
376 elevated walkways over the dunes to provide access to the beach.

377 c. Known archaeological sites determined to be of  
378 significance by the Division of Historical Resources of the  
379 Department of State.

380 d. Areas known to be important to animal species  
381 designated as endangered or threatened animal species by the  
382 United States Fish and Wildlife Service or by the Fish and  
383 Wildlife Conservation Commission, for reproduction, feeding, or  
384 nesting; for traveling between such areas used for reproduction,  
385 feeding, or nesting; or for escape from predation.

386 e. Areas known to contain plant species designated as  
387 endangered plant species by the Department of Agriculture and  
388 Consumer Services.

389 2. Produce, or dispose of, no substances designated as  
390 hazardous or toxic substances by the United States Environmental  
391 Protection Agency or by the Department of Environmental

392 Protection or the Department of Agriculture and Consumer  
 393 Services. This subparagraph is not intended to apply to the  
 394 production of these substances in nonsignificant amounts as  
 395 would occur through household use or incidental use by  
 396 businesses.

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

399 4. Incorporate no dredge and fill activities in, and no  
 400 stormwater discharge into, waters designated as Class II,  
 401 aquatic preserves, or Outstanding Florida Waters, except as  
 402 activities in those waters are permitted pursuant to s.  
 403 403.813(2) and the developer demonstrates that those activities  
 404 meet the standards under Class II waters, Outstanding Florida  
 405 Waters, or aquatic preserves, as applicable.

406 5. Include open space, recreation areas, Florida-friendly  
 407 landscape ~~Xeriscape~~ as defined in s. 373.185, and energy  
 408 conservation and minimize impermeable surfaces as appropriate to  
 409 the location and type of project.

410 6. Provide for construction and maintenance of all onsite  
 411 infrastructure necessary to support the project and enter into a  
 412 binding commitment with local government to provide an  
 413 appropriate fair-share contribution toward the offsite impacts  
 414 which the development will impose on publicly funded facilities  
 415 and services, except offsite transportation, and condition or  
 416 phase the commencement of development to ensure that public  
 417 facilities and services, except offsite transportation, will be  
 418 available concurrent with the impacts of the development. For  
 419 the purposes of offsite transportation impacts, the developer

HB 593

2009

420 shall comply, at a minimum, with the standards of the state land  
 421 planning agency's development-of-regional-impact transportation  
 422 rule, the approved strategic regional policy plan, any  
 423 applicable regional planning council transportation rule, and  
 424 the approved local government comprehensive plan and land  
 425 development regulations adopted pursuant to part II of chapter  
 426 163.

427 7. Design and construct the development in a manner that  
 428 is consistent with the adopted state plan, the applicable  
 429 strategic regional policy plan, and the applicable adopted local  
 430 government comprehensive plan.

431 Section 9. Subsection (3) of section 388.291, Florida  
 432 Statutes, is amended to read:

433 388.291 Source reduction measures; supervision by  
 434 department.--

435 (3) Property owners in a developed residential area are  
 436 required to maintain their property in such a manner so as not  
 437 to create or maintain any standing freshwater condition capable  
 438 of breeding mosquitoes or other arthropods in significant  
 439 numbers so as to constitute a public health, welfare, or  
 440 nuisance problem. Nothing in this subsection shall permit the  
 441 alteration of permitted stormwater management systems or  
 442 prohibit maintained fish ponds, Florida-friendly landscaping  
 443 ~~eriscaping~~, or other maintained systems of landscaping or  
 444 vegetation. If such a condition is found to exist, the local  
 445 arthropod control agency shall serve notice on the property  
 446 owner to treat, remove, or abate the condition. Such notice  
 447 shall serve as prima facie evidence of maintaining a nuisance,



448 and upon failure of the property owner to treat, remove, or  
 449 abate the condition, the local arthropod control agency or any  
 450 affected citizen may proceed pursuant to s. 60.05 to enjoin the  
 451 nuisance and may recover costs and attorney's fees if they  
 452 prevail in the action.

453 Section 10. Paragraph (a) of subsection (6) of section  
 454 481.303, Florida Statutes, is amended to read:

455 481.303 Definitions.--As used in this chapter:

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

458 (a) Consultation, investigation, research, planning,  
 459 design, preparation of drawings, specifications, contract  
 460 documents and reports, responsible construction supervision, or  
 461 landscape management in connection with the planning and  
 462 development of land and incidental water areas, including the  
 463 use of Florida-friendly landscape ~~Xeriscape~~ as defined in s.  
 464 373.185, where, and to the extent that, the dominant purpose of  
 465 such services or creative works is the preservation,  
 466 conservation, enhancement, or determination of proper land uses,  
 467 natural land features, ground cover and plantings, or  
 468 naturalistic and aesthetic values;

469 Section 11. Subsection (4) of section 720.3075, Florida  
 470 Statutes, is amended to read:

471 720.3075 Prohibited clauses in association documents.--

472 (4) Homeowners' association documents, including  
 473 declarations of covenants, articles of incorporation, or bylaws,  
 474 ~~entered after October 1, 2001,~~ may not be enforced to prohibit  
 475 any property owner from implementing ~~Xeriscape~~ or Florida-

HB 593

2009

476 friendly landscape, as defined in s. 373.185(2)~~(1)~~, on his or  
477 her land and may not create any requirement or limitation in  
478 conflict with any provision of part II of chapter 373.

479 Section 12. This act shall take effect July 1, 2009.