

1 A bill to be entitled  
 2 An act relating to water conservation; amending s. 373.62,  
 3 F.S.; revising requirements relating to automatic  
 4 landscape irrigation systems; providing an automatic  
 5 landscape irrigation system requirement for certain  
 6 residential construction; requiring licensed contractors  
 7 to inspect automatic landscape irrigation systems for  
 8 compliance with specified requirements and ensure that  
 9 such systems are in compliance before completing other  
 10 work on the systems; requiring the Department of  
 11 Environmental Protection to create a model ordinance;  
 12 providing penalty requirements for such ordinance;  
 13 providing for the disposition of funds raised through  
 14 penalties imposed; providing applicability for certain  
 15 licensed contractors; providing an effective date.

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

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

21 373.62 Water conservation; automatic landscape irrigation  
 22 ~~sprinkler~~ systems.--

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

29 ~~adequate rainfall has occurred.~~

30 (b) Any new residential construction that includes an  
31 automatic landscape irrigation system shall have properly  
32 installed technology that inhibits or interrupts operation of  
33 the system during periods of sufficient moisture.

34 (2) A licensed contractor who performs work on an  
35 automatic landscape irrigation system shall test for the correct  
36 operation of any technology that inhibits or interrupts  
37 operation of the system during periods of sufficient moisture.  
38 If such technology is not installed in the system or is not in  
39 proper operating condition, the contractor shall properly  
40 install technology or repair existing technology and confirm  
41 that it is in proper operating condition before completing any  
42 other work on the system.

43 (3) The Department of Environmental Protection shall  
44 create a model ordinance by January 15, 2010, that may be  
45 adopted and enforced by local governments. Such ordinance must,  
46 at a minimum, provide:

47 (a) Penalties for operators of automatic landscape  
48 irrigation systems that are not in compliance with this section.  
49 The minimum penalties shall be \$50 for a first offense, \$100 for  
50 a second offense, and \$250 for a third or subsequent offense.

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

54 (c) Penalties for licensed contractors who do not comply  
55 with this section. The minimum penalties shall be \$50 for a  
56 first offense, \$100 for a second offense, and \$250 for a third

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57 or subsequent offense.

58  
59 Regular maintenance and replacement of worn or broken technology  
60 that interrupts or inhibits the operation of an automatic  
61 landscape irrigation system is not a violation of this section  
62 if such repairs are conducted within a reasonable time.

63 (4) Funds generated by penalties imposed under the  
64 ordinance shall be used by local governments for the  
65 administration and enforcement of this section and to further  
66 water-conservation activities.

67 (5) For purposes of this section, the term "licensed  
68 contractor" includes an individual who holds a specific  
69 irrigation contractor's license issued by a county.

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