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1  
2 An act relating to water resources; creating s.  
3 373.0363, F.S.; providing definitions; providing  
4 legislative findings and intent; providing criteria  
5 for the Southwest Florida Water Management District to  
6 meet in implementing the West-Central Florida Water  
7 Restoration Action Plan; requiring that the district  
8 coordinate with regional water supply authorities and  
9 governmental entities to maximize opportunities  
10 concerning the efficient expenditure of public funds;  
11 specifying the plan's purpose; specifying the  
12 initiatives that are included in the plan; providing  
13 criteria for implementing the Central West Coast  
14 Surface Water Enhancement Initiative, the Facilitating  
15 Agricultural Resource Management Systems Initiative,  
16 the Ridge Lakes Restoration Initiative, the Upper  
17 Peace River Watershed Restoration Initiative, and the  
18 Central Florida Water Resource Development Initiative  
19 and certain components or projects included in such  
20 initiatives; providing for the Southwest Florida Water  
21 Management District to include specified criteria  
22 concerning implementation of the plan, regional  
23 conditions, and the use of funds in specified annual  
24 reports; requiring that the Southwest Florida Water  
25 Management District develop and submit a plan to the  
26 Legislature; providing for approval of the plan;  
27 repealing s. 23, ch. 2008-150, Laws of Florida,  
28 relating to a provision prohibiting the Department of  
29 Environmental Protection from issuing a permit for

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30 certain Class I landfills; reenacting s. 373.069,  
31 F.S., relating to the creation of the water management  
32 districts, pursuant to the provisions of the Florida  
33 Government Accountability Act; amending s. 373.0693,  
34 F.S.; limiting the period of time a basin board member  
35 may serve after the end of a term; reducing the number  
36 of members on the Manasota Basin Board; eliminating  
37 the Oklawaha River Basin Advisory Council; removing ex  
38 officio designation of basin board chairs; removing a  
39 restriction on the voting authority of the chair;  
40 amending s. 373.073, F.S.; revising the membership of  
41 water management district governing boards; providing  
42 for appointment of members commencing on a specified  
43 date; amending s. 373.079, F.S.; requiring a water  
44 management district's governing board to delegate to  
45 the executive director its authority to approve  
46 certain permits or grant variances or waivers of  
47 permitting requirements; authorizing the executive  
48 director to execute such delegated authority through  
49 designated staff members; providing that such  
50 delegations are exempt from specified rulemaking  
51 requirements; authorizing water management district  
52 governing boards, basin boards, committees, and  
53 advisory boards to conduct meetings by means of  
54 communications media technology; amending s. 373.083,  
55 F.S.; requiring water management district governing  
56 boards to delegate to the water management district's  
57 executive director authority to approve certain  
58 permits or grant variances or waivers of permitting

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59 requirements; authorizing the executive director to  
60 execute such delegated authority through designated  
61 staff members; providing that such delegations are  
62 exempt from specified rulemaking requirements;  
63 amending s. 373.118, F.S.; removing provisions  
64 authorizing water management district governing boards  
65 to delegate authority to issue general permits to the  
66 executive director; amending s. 373.323, F.S.;

67 revising application requirements for water well  
68 contractor licensure; requiring applicants to provide  
69 specified documentation; amending s. 373.236, F.S.;

70 authorizing water management districts to issue 50-  
71 year consumptive use permits to specified entities for  
72 certain alternative water supply development projects;  
73 providing for compliance reporting and review,  
74 modification, and revocation relating to such permits;

75 authorizing 25-year consumptive use permits for  
76 renewable energy generating facilities and specified  
77 lands used in the production of renewable energy under  
78 certain conditions; providing that such permits are  
79 subject to compliance reports; amending s. 373.243,  
80 F.S.; providing for the revocation of certain  
81 consumptive use permits for renewable energy  
82 generating facilities and specified lands used in the  
83 production of renewable energy; amending s. 373.536,  
84 F.S.; authorizing substantive legislative committee  
85 chairs to provide input on proposed water management  
86 district budgets; amending s. 373.584, F.S.; providing  
87 a limitation on certain bonding for water management

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88 districts; authorizing the Joint Legislative Budget  
89 Commission to approve bonding exceeding such  
90 limitation; exempting certain outstanding bonds from  
91 such limitation and its calculation; amending s.  
92 373.59, F.S.; expanding water management district  
93 lands eligible to receive payment in lieu of taxes;  
94 revising the method used to determine eligibility for  
95 such payment; amending s. 373.5905, F.S.; providing  
96 conditions for reinstatement of payments in lieu of  
97 taxes and their duration; repealing s. 373.465, F.S.,  
98 to eliminate the Lake Panasoffkee Restoration Council;  
99 repealing s. 373.466, F.S., to eliminate the Lake  
100 Panasoffkee restoration program; amending s. 373.185,  
101 F.S.; revising the definition of Florida-friendly  
102 landscaping; deleting references to "xeriscape";  
103 requiring water management districts to provide model  
104 Florida-friendly landscaping ordinances to local  
105 governments; revising eligibility criteria for certain  
106 incentive programs of the water management districts;  
107 requiring certain local government ordinances and  
108 amendments to include certain design standards and  
109 identify specified invasive exotic plant species;  
110 requiring water management districts to consult with  
111 additional entities for activities relating to  
112 Florida-friendly landscaping practices; specifying  
113 programs for the delivery of educational programs  
114 relating to such practices; providing legislative  
115 findings; providing that certain regulations  
116 prohibiting the implementation of Florida-friendly

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117 landscaping or conflicting with provisions governing  
118 the permitting of consumptive uses of water are  
119 prohibited; providing that the act does not limit the  
120 authority of the department or the water management  
121 districts to require Florida-friendly landscaping  
122 ordinances or practices as a condition of certain  
123 permit; creating s. 373.187, F.S.; requiring water  
124 management districts to implement Florida-friendly  
125 landscaping practices on specified properties;  
126 requiring districts to develop specified programs for  
127 implementing such practices on other specified  
128 properties; amending s. 373.228, F.S.; requiring water  
129 management districts to work with specified entities  
130 to develop certain standards; requiring water  
131 management districts to consider certain information  
132 in evaluating water use applications from public water  
133 suppliers; conforming provisions to changes made by  
134 the act; amending s. 373.333, F.S.; authorizing an  
135 administrative fine to be imposed for each occurrence  
136 of unlicensed well water contracting; amending ss.  
137 125.568, 166.048, 255.259, 335.167, 380.061, 388.291,  
138 481.303, and 720.3075, F.S.; conforming provisions to  
139 changes made by the act; revising provisions requiring  
140 the use of Florida-friendly landscaping for specified  
141 public properties and highway construction and  
142 maintenance projects; providing an effective date.

143  
144 Be It Enacted by the Legislature of the State of Florida:  
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146 Section 1. Section 373.0363, Florida Statutes, is created  
147 to read:

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

149 (a) "Central Florida Coordination Area" means all of Polk,  
150 Osceola, Orange, and Seminole Counties, and southern Lake  
151 County, as designated by the Southwest Florida Water Management  
152 District, the South Florida Water Management District, and the  
153 St. Johns River Water Management District.

154 (b) "District" means the Southwest Florida Water Management  
155 District.

156 (c) "Southern Water Use Caution Area" means an area that  
157 the district designated, after extensive collection of data and  
158 numerous studies, in order to comprehensively manage water  
159 resources in the Southern West-Central Groundwater Basin, which  
160 includes all of Desoto, Hardee, Manatee, and Sarasota Counties  
161 and parts of Charlotte, Highlands, Hillsborough, and Polk  
162 Counties.

163 (d) "Southern Water Use Caution Area Recovery Strategy"  
164 means the district's planning, regulatory, and financial  
165 strategy for ensuring that adequate water supplies are available  
166 to meet growing demands while protecting and restoring the water  
167 and related natural resources of the area.

168 (e) "West-Central Florida Water Restoration Action Plan"  
169 means the district's regional environmental restoration and  
170 water-resource sustainability program for the Southern Water Use  
171 Caution Area.

172 (2) The Legislature finds that:

173 (a) In response to the growing demands from public supply,  
174 agriculture, mining, power generation, and recreational users,

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175 ground water withdrawals in the Southern Water Use Caution Area  
176 have steadily increased for nearly a century before peaking in  
177 the mid-1970s. These withdrawals resulted in declines in aquifer  
178 levels throughout the ground water basin, which in some areas  
179 exceeded 50 feet.

180 (b) While ground water withdrawals have since stabilized as  
181 a result of the district's management efforts, depressed aquifer  
182 levels continue to result in saltwater intrusion, reduced flows  
183 in the Upper Peace River, lowered water levels, and adverse  
184 water quality impacts for some lakes in the Lake Wales Ridge  
185 areas of Polk and Highlands Counties.

186 (c) In response to these resource concerns, and as directed  
187 by s. 373.036, the district determined that traditional sources  
188 of water in the region are not adequate to supply water for all  
189 existing and projected reasonable and beneficial uses and to  
190 sustain the water resources and related natural systems.

191 (d) The expeditious implementation of the Southern Water  
192 Use Caution Area Recovery Strategy is needed to meet the minimum  
193 flow requirement for the Upper Peace River, slow saltwater  
194 intrusion, provide for improved lake levels and water quality  
195 along the Lake Wales Ridge, and ensure sufficient water supplies  
196 for all existing and projected reasonable and beneficial uses.

197 (e) Sufficient research has been conducted and sufficient  
198 plans developed to immediately expand and accelerate programs to  
199 sustain the water resources and related natural systems in the  
200 Southern Water Use Caution Area.

201 (f) The implementation of components of the Southern Water  
202 Use Caution Area Recovery Strategy, which are contained in the  
203 West-Central Florida Water Restoration Action Plan, is for the

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204 benefit of the public health, safety, and welfare and is in the  
205 public interest.

206 (g) The implementation of the West-Central Florida Water  
207 Restoration Action Plan is necessary to meet the minimum flow  
208 requirement for the Upper Peace River, slow saltwater intrusion,  
209 provide for improved lake levels and water quality along the  
210 Lake Wales Ridge, and ensure sufficient water supplies for all  
211 existing and projected reasonable and beneficial uses.

212 (h) A continuing source of funding is needed to effectively  
213 implement the West-Central Florida Water Restoration Action  
214 Plan.

215 (3) The district shall implement the West-Central Florida  
216 Water Restoration Action Plan in a manner that furthers  
217 progressive strategies for the management of water resources, is  
218 watershed-based, provides for consideration of water quality  
219 issues, and includes monitoring, the development and  
220 implementation of best-management practices, and structural and  
221 nonstructural projects, including public works projects. The  
222 district shall coordinate its implementation of the plan with  
223 regional water supply authorities, public and private  
224 partnerships, and local, state, and federal partners in order to  
225 maximize opportunities for the most efficient and timely  
226 expenditures of public funds.

227 (4) The West-Central Florida Water Restoration Action Plan  
228 includes:

229 (a) The Central West Coast Surface Water Enhancement  
230 Initiative. The purpose of this initiative is to make additional  
231 surface waters available for public supply through restoration  
232 of surface waters, natural water flows, and freshwater wetland



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233 communities. This initiative is designed to allow limits on  
234 groundwater withdrawals in order to slow the rate of saltwater  
235 intrusion. The initiative shall be an ongoing program in  
236 cooperation with the Peace River-Manasota Regional Water Supply  
237 Authority created under s. 373.1962.

238 (b) The Facilitating Agricultural Resource Management  
239 Systems Initiative. The purpose of this initiative is to  
240 expedite the implementation of production-scale, best management  
241 practices in the agricultural sector, which will result in  
242 reductions in groundwater withdrawals and improvements in water  
243 quality, water resources, and ecology. The initiative is a cost-  
244 share reimbursement program to provide funding incentives to  
245 agricultural landowners for the implementation of best  
246 management practices. The initiative shall be implemented by the  
247 district in cooperation with the Department of Agriculture and  
248 Consumer Services. Cooperative funding programs approved by the  
249 governing board shall not be subject to the rulemaking  
250 requirements of chapter 120. However, any portion of an approved  
251 program which affects the substantial interests of a party shall  
252 be subject to s. 120.569.

253 (c) The Ridge Lakes Restoration Initiative. The purpose of  
254 this initiative is to protect, restore, and enhance natural  
255 systems and flood protection by improving and protecting the  
256 water quality of approximately 130 lakes located along the Lake  
257 Wales Ridge in Polk and Highlands Counties, which quality is  
258 threatened by stormwater runoff, wastewater effluent, fertilizer  
259 applications, groundwater pollution, degradation of shoreline  
260 habitats, and hydrologic alterations. This initiative shall be  
261 accomplished through the construction of systems designed to

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262 treat the stormwater runoff that threatens the water quality of  
263 such lakes. Such systems include swales, retention basins, and  
264 long infiltration basins, if feasible.

265 (d) The Upper Peace River Watershed Restoration Initiative.  
266 The purpose of this initiative is to improve the quality of  
267 waters and ecosystems in the watershed of the Upper Peace River  
268 by recharging aquifers, restoring the flow of surface waters,  
269 and restoring the capacity of natural systems to store surface  
270 waters. The Legislature finds that such improvements are  
271 necessary because the quantity and quality of the fresh water  
272 that flows to the basin of the Peace River and Charlotte Harbor  
273 are adversely affected by the significant alteration and  
274 degradation of the watershed of the Upper Peace River and  
275 because restoration of the watershed of the Upper Peace River is  
276 a critical component of the Charlotte Harbor National Estuary  
277 Program's Comprehensive Conservation and Management Plan, the  
278 Southwest Florida Water Management District's Surface Water  
279 Improvement and Management Plan, and the Southern Water Use  
280 Caution Area Recovery Strategy. This initiative shall include an  
281 Upper Peace River Component. In addition to the initiative's  
282 other purposes, this component will provide a critical link to a  
283 major greenway that extends from the lower southwest coast of  
284 this state through the watershed of the Peace River and the  
285 Green Swamp and further north to the Ocala National Forest.

286 (e) The Central Florida Water Resource Development  
287 Initiative. The purpose of this initiative is to create and  
288 implement a long-term plan that takes a comprehensive approach  
289 to limit ground water withdrawals in the Southern Water Use  
290 Caution Area and to identify and develop alternative water

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291 supplies for Polk County. The project components developed  
292 pursuant to this initiative are eligible for state and regional  
293 funding under s. 373.196 as an alternative water supply, as  
294 defined in s. 373.019, or as a supplemental water supply under  
295 the rules of the Southwest Florida Water Management District or  
296 the South Florida Water Management District. The initiative  
297 shall be implemented by the district as an ongoing program in  
298 cooperation with Polk County and the South Florida Water  
299 Management District.

300 (5) As part of the consolidated annual report required  
301 pursuant s. 373.036(7), the district may include:

302 (a) A summary of the conditions of the Southern Water Use  
303 Caution Area, including the status of the components of the  
304 West-Central Florida Water Restoration Action Plan.

305 (b) An annual accounting of the expenditure of funds. The  
306 accounting must, at a minimum, provide details of expenditures  
307 separately by plan component and any subparts of a plan  
308 component, and include specific information about amount and use  
309 of funds from federal, state, and local government sources. In  
310 detailing the use of these funds, the district shall indicate  
311 those funds that are designated to meet requirements for  
312 matching funds.

313 (6) The district shall submit the West-Central Florida  
314 Water Restoration Action Plan developed pursuant to subsection  
315 (4) to the President of the Senate and the Speaker of the House  
316 of Representatives prior to the 2010 regular legislative session  
317 for review. If the Legislature takes no action on the plan  
318 during the 2010 regular legislative session, the plan shall be  
319 deemed approved.

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320 Section 2. Section 23 of chapter 2008-150, Laws of Florida,  
321 is repealed.

322 Section 3. Section 373.069, Florida Statutes, is reenacted.

323 Section 4. Subsections (3), (6), and (7) and paragraph (a)  
324 of subsection (8) of section 373.0693, Florida Statutes, are  
325 amended to read:

326 373.0693 Basins; basin boards.—

327 (3) Each member of the various basin boards shall serve for  
328 a period of 3 years or until a successor is appointed, but not  
329 more than 180 days after the end of the term, except that the  
330 board membership of each new basin shall be divided into three  
331 groups as equally as possible, with members in such groups to be  
332 appointed for 1, 2, and 3 years, respectively. Each basin board  
333 shall choose a vice chair and a secretary to serve for a period  
334 of 1 year. The term of office of a basin board member shall be  
335 construed to commence on March 2 preceding the date of  
336 appointment and to terminate March 1 of the year of the end of a  
337 term or may continue until a successor is appointed, but not  
338 more than 180 days after the end of the expired term.

339 (6) (a) Notwithstanding the provisions of any other general  
340 or special law to the contrary, a member of the governing board  
341 of the district residing in the basin or, if no member resides  
342 in the basin, a member of the governing board designated by the  
343 chair of the governing board shall be the ~~ex officio~~ chair of  
344 the basin board. The ~~ex officio~~ chair shall preside at all  
345 meetings of the basin board, except that the vice chair may  
346 preside in his or her absence. The ~~ex officio~~ chair shall ~~have~~  
347 ~~no official vote, except in case of a tie vote being cast by the~~  
348 ~~members, but~~ shall be the liaison officer of the district in all

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349 affairs in the basin and shall be kept informed of all such  
350 affairs.

351 (b) Basin boards within the Southwest Florida Water  
352 Management District shall meet regularly as determined by a  
353 majority vote of the basin board members. Subject to notice  
354 requirements of chapter 120, special meetings, both emergency  
355 and nonemergency, may be called either by the ~~ex-officio~~ chair  
356 or the elected vice chair of the basin board or upon request of  
357 two basin board members. The district staff shall include on the  
358 agenda of any basin board meeting any item for discussion or  
359 action requested by a member of that basin board. The district  
360 staff shall notify any basin board, as well as their respective  
361 counties, of any vacancies occurring in the district governing  
362 board or their respective basin boards.

363 (7) At 11:59 p.m. on December 31, 1976, the Manasota  
364 Watershed Basin of the Ridge and Lower Gulf Coast Water  
365 Management District, which is annexed to the Southwest Florida  
366 Water Management District by change of its boundaries pursuant  
367 to chapter 76-243, Laws of Florida, shall be formed into a  
368 subdistrict or basin of the Southwest Florida Water Management  
369 District, subject to the same provisions as the other basins in  
370 such district. Such subdistrict shall be designated initially as  
371 the Manasota Basin. The members of the governing board of the  
372 Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water  
373 Management District shall become members of the governing board  
374 of the Manasota Basin of the Southwest Florida Water Management  
375 District. Notwithstanding other provisions in this section,  
376 beginning on July 1, 2001, the membership of the Manasota Basin  
377 Board shall be comprised of two ~~three~~ members from Manatee

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378 County and two ~~three~~ members from Sarasota County. Matters  
379 relating to tie votes shall be resolved pursuant to subsection  
380 (6) by the ~~ex officio~~ chair designated by the governing board to  
381 vote in case of a tie vote.

382 (8) (a) At 11:59 p.m. on June 30, 1988, the area transferred  
383 from the Southwest Florida Water Management District to the St.  
384 Johns River Water Management District by change of boundaries  
385 pursuant to chapter 76-243, Laws of Florida, shall cease to be a  
386 subdistrict or basin of the St. Johns River Water Management  
387 District known as the Oklawaha River Basin and said Oklawaha  
388 River Basin shall cease to exist. However, any recognition of an  
389 Oklawaha River Basin or an Oklawaha River Hydrologic Basin for  
390 regulatory purposes shall be unaffected. The area formerly known  
391 as the Oklawaha River Basin shall continue to be part of the St.  
392 Johns River Water Management District. ~~There shall be~~  
393 ~~established by the governing board of the St. Johns River Water~~  
394 ~~Management District the Oklawaha River Basin Advisory Council to~~  
395 ~~receive public input and advise the St. Johns River Water~~  
396 ~~Management District's governing board on water management issues~~  
397 ~~affecting the Oklawaha River Basin. The Oklawaha River Basin~~  
398 ~~Advisory Council shall be appointed by action of the St. Johns~~  
399 ~~River Water Management District's governing board and shall~~  
400 ~~include one representative from each county which is wholly or~~  
401 ~~partly included in the Oklawaha River Basin. The St. Johns River~~  
402 ~~Water Management District's governing board member currently~~  
403 ~~serving pursuant to s. 373.073(2)(c)3. shall serve as chair of~~  
404 ~~the Oklawaha River Basin Advisory Council. Members of the~~  
405 ~~Oklawaha River Basin Advisory Council shall receive no~~  
406 ~~compensation for their services but are entitled to be~~

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407 ~~reimbursed for per diem and travel expenses as provided in s.~~  
408 ~~112.061.~~

409 Section 5. Paragraph (b) of subsection (1) of section  
410 373.073, Florida Statutes, is amended to read:

411 373.073 Governing board.—

412 (1)

413 (b) Commencing January 1, 2011 ~~1999~~, the Governor shall  
414 appoint the following number of governing board members in each  
415 year of the Governor's 4-year term of office:

416 1. In the first year of the Governor's term of office, the  
417 Governor shall appoint four members to the governing board of  
418 the Southwest Florida Water Management District and appoint  
419 three members to the governing board of each other district.

420 2. In the second year of the Governor's term of office, the  
421 Governor shall appoint three members to the governing board of  
422 the Southwest Florida Water Management District and two members  
423 to the governing board of each other district.

424 3. In the third year of the Governor's term of office, the  
425 Governor shall appoint three members to the governing board of  
426 the Southwest Florida Water Management District and two members  
427 to the governing board of each other district.

428 4. In the fourth year of the Governor's term of office, the  
429 Governor shall appoint three members to the governing board of  
430 the Southwest Florida Water Management District and two members  
431 to the governing board of each other district.

432

433 For any governing board vacancy that occurs before the date  
434 scheduled for the office to be filled under this paragraph, the  
435 Governor shall appoint a person meeting residency requirements

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436 of subsection (2) for a term that will expire on the date  
437 scheduled for the term of that office to terminate under this  
438 subsection. In addition to the residency requirements for the  
439 governing boards as provided by subsection (2), the Governor  
440 shall consider appointing governing board members to represent  
441 an equitable cross-section of regional interests and technical  
442 expertise.

443 Section 6. Subsections (4) and (7) of section 373.079,  
444 Florida Statutes, are amended to read:

445 373.079 Members of governing board; oath of office; staff.-

446 (4) (a) The governing board of the district is authorized to  
447 employ an executive director, ombudsman, and such engineers,  
448 other professional persons, and other personnel and assistants  
449 as it deems necessary and under such terms and conditions as it  
450 may determine and to terminate such employment. The appointment  
451 of an executive director by the governing board is subject to  
452 approval by the Governor and must be initially confirmed by the  
453 Florida Senate. The governing board may delegate all or part of  
454 its authority under this paragraph to the executive director.  
455 However, the governing board shall delegate to the executive  
456 director all of its authority to take final action on permit  
457 applications under part II or part IV or petitions for variances  
458 or waivers of permitting requirements under part II or part IV,  
459 except for denials of such actions as provided in s.  
460 373.083(5).The executive director may execute such delegated  
461 authority through designated staff members. Such delegations  
462 shall not be subject to the rulemaking requirements of chapter  
463 120. The executive director must be confirmed by the Senate upon  
464 employment and must be confirmed or reconfirmed by the Senate



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465 during the second regular session of the Legislature following a  
466 gubernatorial election.

467 (b)1. The governing board of each water management district  
468 shall employ an inspector general, who shall report directly to  
469 the board. However, the governing boards of the Suwannee River  
470 Water Management District and the Northwest Florida Water  
471 Management District may jointly employ an inspector general, or  
472 provide for inspector general services by interagency agreement  
473 with a state agency or water management district inspector  
474 general.

475 2. An inspector general must have the qualifications  
476 prescribed and perform the applicable duties of state agency  
477 inspectors general as provided in s. 20.055.

478 (7) The governing board shall meet at least once a month  
479 and upon call of the chair. The governing board, a basin board,  
480 a committee, or an advisory board may conduct meetings by means  
481 of communications media technology in accordance with rules  
482 adopted pursuant to s. 120.54.

483 Section 7. Subsection (5) of section 373.083, Florida  
484 Statutes, is amended to read:

485 373.083 General powers and duties of the governing board.-  
486 In addition to other powers and duties allowed it by law, the  
487 governing board is authorized to:

488 (5) Execute any of the powers, duties, and functions vested  
489 in the governing board through a member or members thereof, the  
490 executive director, or other district staff as designated by the  
491 governing board. The governing board may establish the scope and  
492 terms of any delegation. The ~~However, if the~~ governing board  
493 shall delegate to the executive director all of its delegates

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494 ~~the~~ authority to take final action on permit applications under  
495 part II or part IV~~7~~ or petitions for variances or waivers of  
496 permitting requirements under part II or part IV, and the  
497 executive director may execute such delegated authority through  
498 designated staff. Such delegations shall not be subject to the  
499 rulemaking requirements of chapter 120. However, the governing  
500 board shall provide a process for referring any denial of such  
501 application or petition to the governing board to take final  
502 action. Such process shall expressly prohibit any member of a  
503 governing board from intervening in any manner during the review  
504 of an application prior to such application being referred to  
505 the governing board for final action. The authority in this  
506 subsection is supplemental to any other provision of this  
507 chapter granting authority to the governing board to delegate  
508 specific powers, duties, or functions.

509 Section 8. Present subsection (4) of section 373.118,  
510 Florida Statutes, is amended, and subsection (5) of that section  
511 is renumbered as subsection (4), to read:

512 373.118 General permits; delegation.—

513 ~~(4) To provide for greater efficiency, the governing board~~  
514 ~~may delegate by rule its powers and duties pertaining to general~~  
515 ~~permits to the executive director. The executive director may~~  
516 ~~execute such delegated authority through designated staff.~~  
517 ~~However, when delegating the authority to take final action on~~  
518 ~~permit applications under part II or part IV or petitions for~~  
519 ~~variances or waivers of permitting requirements under part II or~~  
520 ~~part IV, the governing board shall provide a process for~~  
521 ~~referring any denial of such application or petition to the~~  
522 ~~governing board to take such final action.~~

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523 Section 9. Subsection (3) of section 373.323, Florida  
524 Statutes, is amended to read:

525 373.323 Licensure of water well contractors; application,  
526 qualifications, and examinations; equipment identification.—

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

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

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

534 1. Evidence of the length of time the applicant has been  
535 engaged in the business of the construction, repair, or  
536 abandonment of water wells as a major activity, as attested to  
537 by a letter from three of the following persons:

538 a. A water well contractor.

539 b. A water well driller.

540 c. A water well parts and equipment vendor.

541 d. A water well inspectors employed by a governmental  
542 agency.

543 2. A list of at least 10 water wells that the applicant has  
544 constructed, repaired, or abandoned within the preceding 5  
545 years. Of these wells, at least seven must have been  
546 constructed, as defined in s. 373.303(2), by the applicant. The  
547 list shall also include:

548 a. The name and address of the owner or owners of each  
549 well.

550 b. The location, primary use, and approximate depth and  
551 diameter of each well that the applicant has constructed,

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552 repaired, or abandoned.

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

555 (c) Has completed the application form and remitted a  
556 nonrefundable application fee.

557 Section 10. Subsections (6) and (7) are added to section  
558 373.236, Florida Statutes, to read:

559 373.236 Duration of permits; compliance reports.—

560 (6) (a) The Legislature finds that the need for alternative  
561 water supply development projects to meet anticipated public  
562 water supply demands of the state is so important that it is  
563 essential to encourage participation in and contribution to  
564 these projects by private-rural-land owners who  
565 characteristically have relatively modest near-term water  
566 demands but substantially increasing demands after the 20-year  
567 planning period in s. 373.0361. Therefore, where such landowners  
568 make extraordinary contributions of lands or construction  
569 funding to enable the expeditious implementation of such  
570 projects, water management districts and the department may  
571 grant permits for such projects for a period of up to 50 years  
572 to municipalities, counties, special districts, regional water  
573 supply authorities, multijurisdictional water supply entities,  
574 and publicly or privately owned utilities, with the exception of  
575 any publicly or privately owned utilities created for or by a  
576 private landowner after April 1, 2008, which have entered into  
577 an agreement with the private landowner for the purpose of more  
578 efficiently pursuing alternative public water supply development  
579 projects identified in a district's regional water supply plan  
580 and meeting water demands of both the applicant and the

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581 landowner.

582 (b) A permit under paragraph (a) may be granted only for  
583 that period for which there is sufficient data to provide  
584 reasonable assurance that the conditions for permit issuance  
585 will be met. Such a permit shall require a compliance report by  
586 the permittee every 5 years during the term of the permit. The  
587 report shall contain sufficient data to maintain reasonable  
588 assurance that the conditions for permit issuance applicable at  
589 the time of district review of the compliance report are met.  
590 After review of this report, the governing board or the  
591 department may modify the permit to ensure that the use meets  
592 the conditions for issuance. This subsection does not limit the  
593 existing authority of the department or the governing board to  
594 modify or revoke a consumptive use permit.

595 (7) A permit approved for a renewable energy generating  
596 facility or the cultivation of agricultural products on lands  
597 consisting of 1,000 acres or more for use in the production  
598 renewable energy, as defined in s. 366.91(2)(d), shall be  
599 granted for a term of at least 25 years at the applicant's  
600 request based on the anticipated life of the facility if there  
601 is sufficient data to provide reasonable assurance that the  
602 conditions for permit issuance will be met for the duration of  
603 the permit; otherwise, a permit may be issued for a shorter  
604 duration that reflects the longest period for which such  
605 reasonable assurances are provided. Such a permit is subject to  
606 compliance reports under subsection (4).

607 Section 11. Subsection (4) of section 373.243, Florida  
608 Statutes, is amended to read:

609 373.243 Revocation of permits.—The governing board or the

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610 department may revoke a permit as follows:

611 (4) For nonuse of the water supply allowed by the permit  
612 for a period of 2 years or more, the governing board or the  
613 department may revoke the permit permanently and in whole unless  
614 the user can prove that his or her nonuse was due to extreme  
615 hardship caused by factors beyond the user's control. For a  
616 permit issued pursuant to s. 373.236(7), the governing board or  
617 the department may revoke the permit only if the nonuse of the  
618 water supply allowed by the permit is for a period of 4 years or  
619 more.

620 Section 12. Paragraph (e) of subsection (5) of section  
621 373.536, Florida Statutes, is amended to read:

622 373.536 District budget and hearing thereon.—

623 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
624 APPROVAL.—

625 (e) By September 5 of the year in which the budget is  
626 submitted, the House and Senate appropriations and appropriate  
627 substantive committee chairs may transmit to each district  
628 comments and objections to the proposed budgets. Each district  
629 governing board shall include a response to such comments and  
630 objections in the record of the governing board meeting where  
631 final adoption of the budget takes place, and the record of this  
632 meeting shall be transmitted to the Executive Office of the  
633 Governor, the department, and the chairs of the House and Senate  
634 appropriations committees.

635 Section 13. Subsection (5) is added to section 373.584,  
636 Florida Statutes, to read:

637 373.584 Revenue bonds.—

638 (5) (a) The total annual debt service for bonds issued

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639 pursuant to this section and s. 373.563 may not exceed 20  
640 percent of the annual ad valorem tax revenues of the water  
641 management district, unless approved by the Joint Legislative  
642 Budget Commission.

643 (b) The Joint Legislative Budget Commission is authorized  
644 to review the financial soundness of a water management district  
645 and determine whether bonds may be issued by a water management  
646 district in excess of the limitation provided in paragraph (a).

647 (c) A water management district may not take any action  
648 regarding the issuance of bonds in excess of the limitation of  
649 paragraph (a) without prior approval of the Joint Legislative  
650 Budget Commission pursuant to joint rules of the House of  
651 Representative and the Senate.

652 (d) Bonds issued and outstanding before January 1, 2009,  
653 are exempt from this subsection and shall not be included in the  
654 calculation of the limitation of paragraph (a).

655 (e) This subsection does not affect the validity or  
656 enforceability of outstanding revenue bonds.

657 Section 14. Subsection (10) of section 373.59, Florida  
658 Statutes, is amended to read:

659 373.59 Water Management Lands Trust Fund.—

660 (10) (a) Beginning July 1, 1999, not more than one-fourth of  
661 the funds provided for in subsections (1) and (8) in any year  
662 shall be reserved annually by a governing board, during the  
663 development of its annual operating budget, for payments in lieu  
664 of taxes for all actual ad valorem tax losses incurred as a  
665 result of all governing board acquisitions for water management  
666 district purposes ~~districts pursuant to ss. 259.101, 259.105,~~  
667 ~~373.470, and this section during any year.~~ Reserved funds not

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668 used for payments in lieu of taxes in any year shall revert to  
669 the Water Management Lands Trust Fund to be used in accordance  
670 with the provisions of this section.

671 (b) Payment in lieu of taxes shall be available:

672 1. To all counties that have a population of 150,000 or  
673 fewer. Population levels shall be determined pursuant to s.  
674 186.901 ~~11.031~~. The population estimates published April 1 and  
675 used in the revenue-sharing formula pursuant to s. 186.901 shall  
676 be used to determine eligibility under this subsection and shall  
677 apply to payments made for the subsequent fiscal year.

678 2. To all local governments located in eligible counties  
679 and whose lands are bought and taken off the tax rolls.

680  
681 For properties acquired after January 1, 2000, in the event that  
682 such properties otherwise eligible for payment in lieu of taxes  
683 under this subsection are leased or reserved and remain subject  
684 to ad valorem taxes, payments in lieu of taxes shall commence or  
685 recommence upon the expiration or termination of the lease or  
686 reservation, ~~but in no event shall there be more than a total of~~  
687 ~~10 annual payments in lieu of taxes for each tax loss.~~ If the  
688 lease is terminated for only a portion of the lands at any time,  
689 the ~~10~~ annual payments shall be made for that portion only  
690 commencing the year after such termination, without limiting the  
691 requirement that ~~10~~ annual payments shall be made on the  
692 remaining portion or portions of the land as the lease on each  
693 expires. For the purposes of this subsection, "local government"  
694 includes municipalities and, ~~the county school board, mosquito~~  
695 ~~control districts, and any other local government entity which~~  
696 ~~levies ad valorem taxes.~~



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697 (c) If sufficient funds are unavailable in any year to make  
698 full payments to all qualifying counties and local governments,  
699 such counties and local governments shall receive a pro rata  
700 share of the moneys available.

701 (d) The payment amount shall be based on the average amount  
702 of actual ad valorem taxes paid on the property for the 3 years  
703 preceding acquisition. Applications for payment in lieu of taxes  
704 shall be made no later than May ~~January~~ 31 of the year for which  
705 payment is sought ~~following acquisition~~. No payment in lieu of  
706 taxes shall be made for properties which were exempt from ad  
707 valorem taxation for the year immediately preceding acquisition.

708 (e) If property that was subject to ad valorem taxation was  
709 acquired by a tax-exempt entity for ultimate conveyance to the  
710 state under this chapter, payment in lieu of taxes shall be made  
711 for such property based upon the average amount of ad valorem  
712 taxes paid on the property for the 3 years prior to its being  
713 removed from the tax rolls. The water management districts shall  
714 certify to the Department of Revenue those properties that may  
715 be eligible under this provision. Once eligibility has been  
716 established, that governmental entity shall receive annual  
717 payments for each tax loss until the qualifying governmental  
718 entity exceeds the population threshold pursuant to paragraph  
719 (b) ~~s. 259.032(12)(b)~~.

720 (f) Payment in lieu of taxes pursuant to this subsection  
721 shall be made annually to qualifying counties and local  
722 governments after certification by the Department of Revenue  
723 that the amounts applied for are reasonably appropriate, based  
724 on the amount of actual ad valorem taxes paid on the eligible  
725 property, and after the water management districts have provided

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726 supporting documents to the Chief Financial Officer and have  
727 requested that payment be made in accordance with the  
728 requirements of this section. With the assistance of the local  
729 government requesting payment in lieu of taxes, the water  
730 management district that acquired the land is responsible for  
731 preparing and submitting application requests for payment to the  
732 Department of Revenue for certification.

733 (g) If a water management district conveys to a county or  
734 local government title to any land owned by the district, any  
735 payments in lieu of taxes on the land made to the county or  
736 local government shall be discontinued as of the date of the  
737 conveyance.

738 Section 15. Section 373.5905, Florida Statutes, is amended  
739 to read:

740 373.5905 Reinstatement ~~Reinstitution~~ of payments in lieu of  
741 taxes; duration.—If a water management district has made a  
742 payment in lieu of taxes to a governmental entity and  
743 subsequently suspended such payment, beginning July 1, 2009, the  
744 water management district shall reinstate ~~reinstitute~~  
745 appropriate payments and continue the payments for as long as  
746 the county population remains below the population threshold  
747 pursuant to s. 373.59(10) (b). This section does not authorize or  
748 provide for payments in arrears ~~in consecutive years until the~~  
749 ~~governmental entity has received a total of 10 payments for each~~  
750 ~~tax loss.~~

751 Section 16. Sections 373.465 and 373.466, Florida Statutes,  
752 are repealed.

753 Section 17. Section 373.185, Florida Statutes, is amended  
754 to read:

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755           373.185 Local Florida-friendly landscaping ~~Xeriscape~~  
756 ordinances.—

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

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

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

774           (2) Each water management district shall design and  
775 implement an incentive program to encourage all local  
776 governments within its district to adopt new ordinances or amend  
777 existing ordinances to require Florida-friendly Xeriscape  
778 landscaping for development permitted after the effective date  
779 of the new ordinance or amendment. ~~Each district shall adopt~~  
780 ~~rules governing the implementation of its incentive program and~~  
781 ~~governing the review and approval of local government Xeriscape~~  
782 ~~ordinances or amendments which are intended to qualify a local~~  
783 ~~government for the incentive program.~~ Each district shall assist

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784 the local governments within its jurisdiction by providing a  
785 model Florida-friendly landscaping ordinance ~~Xeriscape code~~ and  
786 other technical assistance. Each district may develop its own  
787 model or use a model contained in the "Florida-Friendly  
788 Landscape Guidance Models for Ordinances, Covenants, and  
789 Restrictions" manual developed by the department. To qualify for  
790 a district's incentive program, a local government ~~Xeriscape~~  
791 ordinance or amendment, ~~in order to qualify the local government~~  
792 ~~for a district's incentive program~~, must include, at a minimum:

793 (a) Landscape design, installation, and maintenance  
794 standards that result in water conservation and water quality  
795 protection or restoration. Such standards must ~~shall~~ address the  
796 use of plant groupings, soil analysis including the promotion of  
797 the use of solid waste compost, efficient irrigation systems,  
798 and other water-conserving practices.

799 (b) Identification of prohibited invasive exotic plant  
800 species consistent with s. 581.091.

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

803 (d) A provision specifying the maximum percentage of  
804 irrigated turf and ~~the maximum percentage of~~ impervious surfaces  
805 allowed in a Florida-friendly landscaped ~~xeriscape~~ area and  
806 addressing the practical selection and installation of turf.

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

809 (f) A monitoring program for ordinance implementation and  
810 compliance.

811 (3) Each water management district shall also ~~The districts~~  
812 ~~also shall~~ work with the department, local governments, county

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813 extension agents or offices, nursery and landscape industry  
814 groups, and other interested stakeholders to promote, through  
815 educational programs, ~~and~~ publications, and other district  
816 activities authorized under this chapter, the use of Florida-  
817 friendly landscaping ~~Xeriscape~~ practices, including the use of  
818 solid waste compost, in ~~existing~~ residential and commercial  
819 development. In conducting these activities, each district shall  
820 use the materials developed by the department, the Institute of  
821 Food and Agricultural Sciences at the University of Florida, and  
822 the Center for Landscape Conservation and Ecology Florida-  
823 Friendly Landscaping program, including, but not limited to, the  
824 Florida Yards and Neighborhoods Program for homeowners, the  
825 Florida Yards and Neighborhoods Builder Developer Program for  
826 developers, and the Green Industries Best Management Practices  
827 Program for landscaping professionals. Each district may develop  
828 supplemental materials as appropriate to address the physical  
829 and natural characteristics of the district. The districts shall  
830 coordinate with the department and the Institute of Food and  
831 Agricultural Sciences at the University of Florida if revisions  
832 to the educational materials are needed. ~~This section may not be~~  
833 ~~construed to limit the authority of the districts to require~~  
834 ~~Xeriscape ordinances or practices as a condition of any~~  
835 ~~consumptive use permit.~~

836 (a) The Legislature finds that the use of Florida-friendly  
837 landscaping and other water use and pollution prevention  
838 measures to conserve or protect the state's water resources  
839 serves a compelling public interest and that the participation  
840 of homeowners' associations and local governments is essential  
841 to state's efforts in water conservation and water quality

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842 protection and restoration.

843 (b) ~~(3)~~ A deed restriction or covenant entered after October  
844 1, 2001, or local government ordinance may not prohibit or be  
845 enforced so as to prohibit any property owner from implementing  
846 Xeriscape or Florida-friendly landscaping landscape on his or  
847 her land or create any requirement or limitation in conflict  
848 with any provision of part II of this chapter or a water  
849 shortage order, other order, consumptive use permit, or rule  
850 adopted or issued pursuant to part II of this chapter.

851 (c) A local government ordinance may not prohibit or be  
852 enforced so as to prohibit any property owner from implementing  
853 Florida-friendly landscaping on his or her land.

854 (4) This section does not limit the authority of the  
855 department or the water management districts to require Florida-  
856 friendly landscaping ordinances or practices as a condition of  
857 any permit issued under this chapter.

858 Section 18. Section 373.187, Florida Statutes, is created  
859 to read:

860 373.187 Water management district implementation of  
861 Florida-friendly landscaping.—Each water management district  
862 shall use Florida-friendly landscaping, as defined in s.  
863 373.185, on public property associated with buildings and  
864 facilities owned by the district and constructed after June 30,  
865 2009. Each district shall also develop a 5-year program for  
866 phasing in the use of Florida-friendly landscaping on public  
867 property associated with buildings or facilities owned by the  
868 district and constructed before July 1, 2009.

869 Section 19. Section 373.228, Florida Statutes, is amended  
870 to read:

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871 373.228 Landscape irrigation design.—

872 (1) The Legislature finds that multiple areas throughout  
873 the state have been identified by water management districts as  
874 water resource caution areas, which indicates that in the near  
875 future water demand in those areas will exceed the current  
876 available water supply and that conservation is one of the  
877 mechanisms by which future water demand will be met.

878 (2) The Legislature finds that landscape irrigation  
879 comprises a significant portion of water use and that ~~the~~  
880 current typical landscape irrigation systems ~~system~~ and Florida-  
881 friendly landscaping ~~xeriscape~~ designs offer significant  
882 potential water conservation benefits.

883 (3) It is the intent of the Legislature to improve  
884 landscape irrigation water use efficiency by ensuring that  
885 landscape irrigation systems meet or exceed minimum design  
886 criteria.

887 (4) The water management districts shall work with the  
888 Florida Nursery, Nurserymen and Growers and Landscape  
889 Association, the Florida Native Plant Society, the Florida  
890 Chapter of the American Society of Landscape Architects, the  
891 Florida Irrigation Society, the Department of Agriculture and  
892 Consumer Services, the Institute of Food and Agricultural  
893 Sciences, the Department of Environmental Protection, the  
894 Department of Transportation, the Florida League of Cities, the  
895 Florida Association of Counties, and the Florida Association of  
896 Community Developers to develop landscape irrigation and  
897 Florida-friendly landscaping ~~xeriscape~~ design standards for new  
898 construction which incorporate a landscape irrigation system and  
899 develop scientifically based model guidelines for urban,

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900 commercial, and residential landscape irrigation, including drip  
901 irrigation, for plants, trees, sod, and other landscaping. The  
902 ~~landscape and irrigation design~~ standards shall be based on the  
903 irrigation code defined in the Florida Building Code, Plumbing  
904 Volume, Appendix F. Local governments shall use the standards  
905 and guidelines when developing landscape irrigation and Florida-  
906 friendly landscaping ~~xeriscape~~ ordinances. By January 1, 2011,  
907 the agencies and entities specified in this subsection shall  
908 review the standards and guidelines to determine whether new  
909 research findings require a change or modification of the  
910 standards and guidelines.

911 (5) In evaluating water use applications from public water  
912 suppliers, water management districts shall consider whether the  
913 applicable local government has adopted ordinances for  
914 landscaping and irrigation systems consistent with the Florida-  
915 friendly landscaping provisions of s. 373.185.

916 Section 20. Subsection (8) of section 373.333, Florida  
917 Statutes, is amended to read:

918 373.333 Disciplinary guidelines; adoption and enforcement;  
919 license suspension or revocation.—

920 (8) The water management district may impose through an  
921 order an administrative fine not to exceed \$5,000 per occurrence  
922 against an unlicensed person if ~~when~~ it determines that the  
923 unlicensed person has engaged in the practice of water well  
924 contracting~~7~~ for which a license is required.

925 Section 21. Section 125.568, Florida Statutes, is amended  
926 to read:

927 125.568 Conservation of water; Florida-friendly landscaping  
928 ~~xeriscape~~.—



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929           (1) (a) The Legislature finds that Florida-friendly  
930 landscaping ~~Xeriscape~~ contributes to the conservation,  
931 protection, and restoration of water. In an effort to meet the  
932 water needs of this state in a manner that will supply adequate  
933 and dependable supplies of water where needed, it is the intent  
934 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~  
935 be an essential part of water conservation and water quality  
936 protection and restoration planning.

937           (b) As used in this section, ~~"Xeriscape" or "Florida-~~  
938 friendly landscaping" has the same meaning as in s. 373.185  
939 ~~landscape"~~ means ~~quality landscapes that conserve water and~~  
940 ~~protect the environment and are adaptable to local conditions~~  
941 ~~and which are drought tolerant. The principles of Xeriscape~~  
942 ~~include planning and design, appropriate choice of plants, soil~~  
943 ~~analysis which may include the use of solid waste compost,~~  
944 ~~practical use of turf, efficient irrigation, appropriate use of~~  
945 ~~mulches, and proper maintenance.~~

946           (2) The board of county commissioners of each county shall  
947 consider enacting ordinances, consistent with s. 373.185,  
948 requiring the use of Florida-friendly landscaping ~~Xeriscape~~ as a  
949 water conservation or water quality protection or restoration  
950 measure. If the board determines that such landscaping ~~Xeriscape~~  
951 would be of significant benefit as a water conservation or water  
952 quality protection or restoration measure, especially for waters  
953 designated as impaired pursuant to s. 403.067, relative to the  
954 cost to implement Florida-friendly ~~Xeriscape~~ landscaping in its  
955 area of jurisdiction, the board shall enact a Florida-friendly  
956 landscaping ~~Xeriscape~~ ordinance. Further, the board of county  
957 commissioners shall consider promoting Florida-friendly

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958 landscaping ~~Xeriscape~~ as a water conservation or water quality  
959 protection or restoration measure by: using such landscaping  
960 ~~Xeriscape~~ in ~~any, around, or near facilities, parks, and other~~  
961 ~~common~~ areas under its jurisdiction which are landscaped after  
962 the effective date of this act; providing public education on  
963 Florida-friendly landscaping ~~Xeriscape~~, its uses in increasing  
964 ~~as a~~ water conservation and water quality protection or  
965 restoration ~~tool~~, and its long-term cost-effectiveness; and  
966 offering incentives to local residents and businesses to  
967 implement Florida-friendly ~~Xeriscape~~ landscaping.

968 (3) (a) The Legislature finds that the use of Florida-  
969 friendly landscaping and other water use and pollution  
970 prevention measures to conserve or protect the state's water  
971 resources serves a compelling public interest and that the  
972 participation of homeowners' associations and local governments  
973 is essential to the state's efforts in water conservation and  
974 water quality protection and restoration.

975 (b) A deed restriction or covenant entered after October 1,  
976 2001, or local government ordinance may not prohibit or be  
977 enforced so as to prohibit any property owner from implementing  
978 ~~Xeriscape~~ or Florida-friendly landscaping landscape on his or  
979 her land or create any requirement or limitation in conflict  
980 with any provision of part II of chapter 373 or a water shortage  
981 order, other order, consumptive use permit, or rule adopted or  
982 issued pursuant to part II of chapter 373.

983 (c) A local government ordinance may not prohibit or be  
984 enforced so as to prohibit any property owner from implementing  
985 Florida-friendly landscaping on his or her land.

986 Section 22. Section 166.048, Florida Statutes, is amended

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987 to read:

988 166.048 Conservation of water; Florida-friendly landscaping  
989 ~~Xeriscape~~.-

990 (1) (a) The Legislature finds that Florida-friendly  
991 landscaping ~~Xeriscape~~ contributes to the conservation,  
992 protection, and restoration of water. In an effort to meet the  
993 water needs of this state in a manner that will supply adequate  
994 and dependable supplies of water where needed, it is the intent  
995 of the Legislature that Florida-friendly landscaping ~~Xeriscape~~  
996 be an essential part of water conservation and water quality  
997 protection and restoration planning.

998 (b) As used in this section, "Xeriscape" or "Florida-  
999 friendly landscaping" has the same meaning as in s. 373.185  
1000 ~~landscape" means quality landscapes that conserve water and~~  
1001 ~~protect the environment and are adaptable to local conditions~~  
1002 ~~and which are drought tolerant. The principles of Xeriscape~~  
1003 ~~include planning and design, appropriate choice of plants, soil~~  
1004 ~~analysis which may include the use of solid waste compost,~~  
1005 ~~practical use of turf, efficient irrigation, appropriate use of~~  
1006 ~~mulches, and proper maintenance.~~

1007 (2) The governing body of each municipality shall consider  
1008 enacting ordinances, consistent with s. 373.185, requiring the  
1009 use of Florida-friendly landscaping ~~Xeriscape~~ as a water  
1010 conservation or water quality protection or restoration measure.  
1011 If the governing body determines that such landscaping ~~Xeriscape~~  
1012 would be of significant benefit as a water conservation or water  
1013 quality protection or restoration measure, especially for waters  
1014 designated as impaired pursuant to s. 403.067, relative to the  
1015 cost to implement Florida-friendly ~~Xeriscape~~ landscaping in its

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1016 area of jurisdiction in the municipality, the governing body  
1017 ~~board~~ shall enact a Florida-friendly landscaping Xeriscape  
1018 ordinance. Further, the governing body shall consider promoting  
1019 Florida-friendly landscaping Xeriscape as a water conservation  
1020 or water quality protection or restoration measure by: using  
1021 such landscaping Xeriscape in any, around, or near facilities,  
1022 ~~parks, and other common~~ areas under its jurisdiction which are  
1023 landscaped after the effective date of this act; providing  
1024 public education on Florida-friendly landscaping Xeriscape, its  
1025 uses in increasing as a water conservation and water quality  
1026 protection or restoration tool, and its long-term cost-  
1027 effectiveness; and offering incentives to local residents and  
1028 businesses to implement Florida-friendly Xeriscape landscaping.

1029 (3) (a) The Legislature finds that the use of Florida-  
1030 friendly landscaping and other water use and pollution  
1031 prevention measures to conserve or protect the state's water  
1032 resources serves a compelling public interest and that the  
1033 participation of homeowners' associations and local governments  
1034 is essential to the state's efforts in water conservation and  
1035 water quality protection and restoration.

1036 (b) A deed restriction or covenant entered after October 1,  
1037 2001, or local government ordinance may not prohibit or be  
1038 enforced so as to prohibit any property owner from implementing  
1039 Xeriscape or Florida-friendly landscaping landscape on his or  
1040 her land or create any requirement or limitation in conflict  
1041 with any provision of part II of chapter 373 or a water shortage  
1042 order, other order, consumptive use permit, or rule adopted or  
1043 issued pursuant to part II of chapter 373.

1044 (c) A local government ordinance may not prohibit or be

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1045 enforced so as to prohibit any property owner from implementing  
1046 Florida-friendly landscaping on his or her land.

1047 Section 23. Section 255.259, Florida Statutes, is amended  
1048 to read:

1049 255.259 Florida-friendly ~~Xeriscape~~ landscaping on public  
1050 property.—

1051 (1) The Legislature finds that water conservation and water  
1052 quality protection and restoration are ~~is~~ increasingly critical  
1053 to the continuance of an adequate water supply and healthy  
1054 surface and ground waters ~~for the citizens of this state.~~ The  
1055 Legislature further finds that "Florida-friendly landscaping  
1056 ~~Xeriscape,~~" as defined in s. 373.185, can contribute  
1057 significantly to water ~~the~~ conservation and ~~of~~ water quality  
1058 protection and restoration. Finally, the Legislature finds that  
1059 state government has the responsibility to promote Florida-  
1060 friendly landscaping ~~Xeriscape~~ as a water conservation and water  
1061 quality protection and restoration measure by using such  
1062 landscaping ~~Xeriscape~~ on public property associated with  
1063 publicly owned buildings or facilities.

1064 (2) As used in this section, "publicly owned buildings or  
1065 facilities" means ~~those~~ construction projects under the purview  
1066 of the Department of Management Services. The term ~~It~~ does not  
1067 include environmentally endangered land or roads and highway  
1068 construction under the purview of the Department of  
1069 Transportation.

1070 (3) The Department of Management Services, in consultation  
1071 with the Department of Environmental Protection, shall adopt  
1072 rules and guidelines for the required use of Florida-friendly  
1073 landscaping ~~Xeriscape~~ on public property associated with

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1074 publicly owned buildings or facilities constructed after June  
1075 30, 2009 ~~1992~~. The Department of Management Services ~~also~~ shall  
1076 also develop a 5-year program for phasing in the use of Florida-  
1077 friendly landscaping ~~Xeriscape~~ on public property associated  
1078 with publicly owned buildings or facilities constructed before  
1079 July 1, 2009 ~~1992~~. In accomplishing these tasks, the Department  
1080 of Management Services shall take into account the standards  
1081 provided in ~~guidelines set out in~~ s. 373.185(2)(a) ~~(f)~~. The  
1082 Department of Transportation shall implement Florida-friendly  
1083 ~~Xeriscape~~ landscaping pursuant to s. 335.167.

1084 (4) (a) The Legislature finds that the use of Florida-  
1085 friendly landscaping and other water use and pollution  
1086 prevention measures to conserve or protect the state's water  
1087 resources serves a compelling public interest and that the  
1088 participation of homeowners' associations and local governments  
1089 is essential to the state's efforts in water conservation and  
1090 water quality protection and restoration.

1091 (b) A deed restriction or covenant entered after October 1,  
1092 2001, or local government ordinance may not prohibit or be  
1093 enforced so as to prohibit any property owner from implementing  
1094 Xeriscape or Florida-friendly landscaping landscape on his or  
1095 her land or create any requirement or limitation in conflict  
1096 with any provision of part II of chapter 373 or a water shortage  
1097 order, other order, consumptive use permit, or rule adopted or  
1098 issued pursuant to part II of chapter 373.

1099 (c) A local government ordinance may not prohibit or be  
1100 enforced so as to prohibit any property owner from implementing  
1101 Florida-friendly landscaping on his or her land.

1102 Section 24. Section 335.167, Florida Statutes, is amended

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1103 to read:

1104 335.167 State highway construction and maintenance;  
1105 ~~Xeriscape or Florida-friendly landscaping.~~

1106 (1) The department shall use and require the use of  
1107 Florida-friendly landscaping ~~Xeriscape~~ practices, as defined in  
1108 s. 373.185(1), in the construction and maintenance of all new  
1109 state highways, wayside parks, access roads, welcome stations,  
1110 and other state highway rights-of-way constructed upon or  
1111 acquired after June 30, 2009 ~~1992~~. The department shall develop  
1112 a 5-year program for phasing in the use of Florida-friendly  
1113 landscaping ~~Xeriscape~~, including the use of solid waste compost,  
1114 in state highway rights-of-way constructed upon or acquired  
1115 before July 1, 2009 ~~1992~~. In accomplishing these tasks, the  
1116 department shall employ the standards ~~guidelines~~ set out in s.  
1117 373.185(2) (a) ~~-(f)~~.

1118 (2) (a) The Legislature finds that the use of Florida-  
1119 friendly landscaping and other water use and pollution  
1120 prevention measures to conserve or protect the state's water  
1121 resources serves a compelling public interest and that the  
1122 participation of homeowners' associations and local governments  
1123 is essential to the state's efforts in water conservation and  
1124 water quality protection and restoration.

1125 (b) A deed restriction or covenant ~~entered after October 1,~~  
1126 ~~2001, or local government ordinance~~ may not prohibit or be  
1127 enforced so as to prohibit any property owner from implementing  
1128 ~~Xeriscape or Florida-friendly landscaping~~ landscape on his or  
1129 her land or create any requirement or limitation in conflict  
1130 with any provision of part II of chapter 373 or a water shortage  
1131 order, other order, consumptive use permit, or rule adopted or

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1132 issued pursuant to part II of chapter 373.

1133 (c) A local government ordinance may not prohibit or be  
1134 enforced so as to prohibit any property owner from implementing  
1135 Florida-friendly landscaping on his or her land.

1136 Section 25. Paragraph (a) of subsection (3) of section  
1137 380.061, Florida Statutes, is amended to read:

1138 380.061 The Florida Quality Developments program.—

1139 (3) (a) To be eligible for designation under this program,  
1140 the developer shall comply with each of the following  
1141 requirements if ~~which is~~ applicable to the site of a qualified  
1142 development:

1143 1. Donate or enter ~~Have donated or entered~~ into a binding  
1144 commitment to donate the fee or a lesser interest sufficient to  
1145 protect, in perpetuity, the natural attributes of the types of  
1146 land listed below. In lieu of this ~~the above~~ requirement, the  
1147 developer may enter into a binding commitment that ~~which~~ runs  
1148 with the land to set aside such areas on the property, in  
1149 perpetuity, as open space to be retained in a natural condition  
1150 or as otherwise permitted under this subparagraph. Under the  
1151 requirements of this subparagraph, the developer may reserve the  
1152 right to use such areas for ~~the purpose of~~ passive recreation  
1153 that is consistent with the purposes for which the land was  
1154 preserved.

1155 a. Those wetlands and water bodies throughout the state  
1156 which ~~as~~ would be delineated if the provisions of s.  
1157 373.4145(1) (b) were applied. The developer may use such areas  
1158 for the purpose of site access, provided other routes of access  
1159 are unavailable or impracticable; may use such areas for the  
1160 purpose of stormwater or domestic sewage management and other



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1161 necessary utilities if ~~to the extent that~~ such uses are  
1162 permitted pursuant to chapter 403; or may redesign or alter  
1163 wetlands and water bodies within the jurisdiction of the  
1164 Department of Environmental Protection which have been  
1165 artificially created, ~~7~~ if the redesign or alteration is done so  
1166 as to produce a more naturally functioning system.

1167 b. Active beach or primary and, where appropriate,  
1168 secondary dunes, to maintain the integrity of the dune system  
1169 and adequate public accessways to the beach. However, the  
1170 developer may retain the right to construct and maintain  
1171 elevated walkways over the dunes to provide access to the beach.

1172 c. Known archaeological sites determined to be of  
1173 significance by the Division of Historical Resources of the  
1174 Department of State.

1175 d. Areas known to be important to animal species designated  
1176 as endangered or threatened ~~animal species~~ by the United States  
1177 Fish and Wildlife Service or by the Fish and Wildlife  
1178 Conservation Commission, for reproduction, feeding, or nesting;  
1179 for traveling between such areas used for reproduction, feeding,  
1180 or nesting; or for escape from predation.

1181 e. Areas known to contain plant species designated as  
1182 endangered ~~plant species~~ by the Department of Agriculture and  
1183 Consumer Services.

1184 2. Produce, or dispose of, no substances designated as  
1185 hazardous or toxic substances by the United States Environmental  
1186 Protection Agency, or ~~by~~ the Department of Environmental  
1187 Protection, or the Department of Agriculture and Consumer  
1188 Services. This subparagraph does ~~is not intended to~~ apply to the  
1189 production of these substances in nonsignificant amounts as

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1190 would occur through household use or incidental use by  
1191 businesses.

1192 3. Participate in a downtown reuse or redevelopment program  
1193 to improve and rehabilitate a declining downtown area.

1194 4. Incorporate no dredge and fill activities in, and no  
1195 stormwater discharge into, waters designated as Class II,  
1196 aquatic preserves, or Outstanding Florida Waters, except as  
1197 ~~activities in those waters are~~ permitted pursuant to s.  
1198 403.813(2), and the developer demonstrates that those activities  
1199 meet the standards under Class II waters, Outstanding Florida  
1200 Waters, or aquatic preserves, as applicable.

1201 5. Include open space, recreation areas, Florida-friendly  
1202 landscaping ~~Xeriscape~~ as defined in s. 373.185, and energy  
1203 conservation and minimize impermeable surfaces as appropriate to  
1204 the location and type of project.

1205 6. Provide for construction and maintenance of all onsite  
1206 infrastructure necessary to support the project and enter into a  
1207 binding commitment with local government to provide an  
1208 appropriate fair-share contribution toward the offsite impacts  
1209 that ~~which~~ the development will impose on publicly funded  
1210 facilities and services, except offsite transportation, and  
1211 condition or phase the commencement of development to ensure  
1212 that public facilities and services, except offsite  
1213 transportation, are ~~will be~~ available concurrent with the  
1214 impacts of the development. For the purposes of offsite  
1215 transportation impacts, the developer shall comply, at a  
1216 minimum, with the standards of the state land planning agency's  
1217 development-of-regional-impact transportation rule, the approved  
1218 strategic regional policy plan, any applicable regional planning

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1219 council transportation rule, and the approved local government  
1220 comprehensive plan and land development regulations adopted  
1221 pursuant to part II of chapter 163.

1222 7. Design and construct the development in a manner that is  
1223 consistent with the adopted state plan, the applicable strategic  
1224 regional policy plan, and the applicable adopted local  
1225 government comprehensive plan.

1226 Section 26. Subsection (3) of section 388.291, Florida  
1227 Statutes, is amended to read:

1228 388.291 Source reduction measures; supervision by  
1229 department.—

1230 (3) Property owners in a developed residential area shall  
1231 ~~are required to~~ maintain their property in ~~such~~ a manner that  
1232 does so as not to create or maintain any standing freshwater  
1233 condition capable of breeding mosquitoes or other arthropods in  
1234 significant numbers so as to constitute a public health,  
1235 welfare, or nuisance problem. ~~Nothing in~~ This subsection does  
1236 not authorize ~~shall permit~~ the alteration of permitted  
1237 stormwater management systems or prohibit maintained fish ponds,  
1238 Florida-friendly landscaping ~~xeriscaping~~, or other maintained  
1239 systems of landscaping or vegetation. If such a condition is  
1240 found to exist, the local arthropod control agency shall serve  
1241 notice on the property owner to treat, remove, or abate the  
1242 condition. Such notice is ~~shall serve as~~ prima facie evidence of  
1243 maintaining a nuisance, and upon failure of the property owner  
1244 to treat, remove, or abate the condition, the local arthropod  
1245 control agency or any affected citizen may proceed pursuant to  
1246 s. 60.05 to enjoin the nuisance and may recover costs and  
1247 attorney's fees if they prevail in the action.

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1248 Section 27. Subsection (6) of section 481.303, Florida  
1249 Statutes, is amended to read:

1250 481.303 Definitions.—As used in this chapter:

1251 (6) "Landscape architecture" means professional services,  
1252 including, but not limited to, the following:

1253 (a) Consultation, investigation, research, planning,  
1254 design, preparation of drawings, specifications, contract  
1255 documents and reports, responsible construction supervision, or  
1256 landscape management in connection with the planning and  
1257 development of land and incidental water areas, including the  
1258 use of Florida-friendly landscaping ~~Xeriscape~~ as defined in s.  
1259 373.185, where, and to the extent that, the dominant purpose of  
1260 such services or creative works is the preservation,  
1261 conservation, enhancement, or determination of proper land uses,  
1262 natural land features, ground cover and plantings, or  
1263 naturalistic and aesthetic values;

1264 (b) The determination of settings, grounds, and approaches  
1265 for and the siting of buildings and structures, outdoor areas,  
1266 or other improvements;

1267 (c) The setting of grades, shaping and contouring of land  
1268 and water forms, determination of drainage, and provision for  
1269 storm drainage and irrigation systems where such systems are  
1270 necessary to the purposes outlined herein; and

1271 (d) The design of such tangible objects and features as are  
1272 necessary to the purpose outlined herein.

1273 Section 28. Subsection (4) of section 720.3075, Florida  
1274 Statutes, is amended to read:

1275 720.3075 Prohibited clauses in association documents.—

1276 (4) (a) The Legislature finds that the use of Florida-

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1277 friendly landscaping and other water use and pollution  
1278 prevention measures to conserve or protect the state's water  
1279 resources serves a compelling public interest and that the  
1280 participation of homeowners' associations and local governments  
1281 is essential to the state's efforts in water conservation and  
1282 water quality protection and restoration.

1283 (b) Homeowners' association documents, including  
1284 declarations of covenants, articles of incorporation, or bylaws,  
1285 entered after October 1, 2001, may not prohibit or be enforced  
1286 so as to prohibit any property owner from implementing Xeriscape  
1287 or Florida-friendly landscaping landscape, as defined in s.  
1288 373.185(1), on his or her land or create any requirement or  
1289 limitation in conflict with any provision of part II of chapter  
1290 373 or a water shortage order, other order, consumptive use  
1291 permit, or rule adopted or issued pursuant to part II of chapter  
1292 373.

1293 Section 29. This act shall take effect July 1, 2009.