

Senate Bill No. 2080

An act relating to water resources; creating s. 373.0363, F.S.; providing definitions; providing legislative findings and intent; providing criteria for the Southwest Florida Water Management District to meet in implementing the West-Central Florida Water Restoration Action Plan; requiring that the district coordinate with regional water supply authorities and governmental entities to maximize opportunities concerning the efficient expenditure of public funds; specifying the plan's purpose; specifying the initiatives that are included in the plan; providing criteria for implementing the Central West Coast Surface Water Enhancement Initiative, the Facilitating Agricultural Resource Management Systems Initiative, the Ridge Lakes Restoration Initiative, the Upper Peace River Watershed Restoration Initiative, and the Central Florida Water Resource Development Initiative and certain components or projects included in such initiatives; providing for the Southwest Florida Water Management District to include specified criteria concerning implementation of the plan, regional conditions, and the use of funds in specified annual reports; requiring that the Southwest Florida Water Management District develop and submit a plan to the Legislature; providing for approval of the plan; repealing s. 23, ch. 2008-150, Laws of Florida, relating to a provision prohibiting the Department of Environmental Protection from issuing a permit for certain Class I landfills; reenacting s. 373.069, F.S., relating to the creation of the water management districts, pursuant to the provisions of the Florida Government Accountability Act; amending s. 373.0693, F.S.; limiting the period of time a basin board member may serve after the end of a term; reducing the number of members on the Manasota Basin Board; eliminating the Oklawaha River Basin Advisory Council; removing ex officio designation of basin board chairs; removing a restriction on the voting authority of the chair; amending s. 373.073, F.S.; revising the membership of water management district governing boards; providing for appointment of members commencing on a specified date; amending s. 373.079, F.S.; requiring a water management district's governing board to delegate to the executive director its authority to approve certain permits or grant variances or waivers of permitting requirements; authorizing the executive director to execute such delegated authority through designated staff members; providing that such delegations are exempt from specified rulemaking requirements; authorizing water management district governing boards, basin boards, committees, and advisory boards to conduct meetings by means of communications media technology; amending s. 373.083, F.S.; requiring water management district governing boards to delegate to the water management district's executive director authority to approve certain permits or grant variances or waivers of permitting requirements; authorizing the executive director to execute such delegated authority through designated staff members; providing that such delegations are exempt from specified rulemaking requirements; amending s.

373.118, F.S.; removing provisions authorizing water management district governing boards to delegate authority to issue general permits to the executive director; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.236, F.S.; authorizing water management districts to issue 50-year consumptive use permits to specified entities for certain alternative water supply development projects; providing for compliance reporting and review, modification, and revocation relating to such permits; authorizing 25-year consumptive use permits for renewable energy generating facilities and specified lands used in the production of renewable energy under certain conditions; providing that such permits are subject to compliance reports; amending s. 373.243, F.S.; providing for the revocation of certain consumptive use permits for renewable energy generating facilities and specified lands used in the production of renewable energy; amending s. 373.536, F.S.; authorizing substantive legislative committee chairs to provide input on proposed water management district budgets; amending s. 373.584, F.S.; providing a limitation on certain bonding for water management districts; authorizing the Joint Legislative Budget Commission to approve bonding exceeding such limitation; exempting certain outstanding bonds from such limitation and its calculation; amending s. 373.59, F.S.; expanding water management district lands eligible to receive payment in lieu of taxes; revising the method used to determine eligibility for such payment; amending s. 373.5905, F.S.; providing conditions for reinstatement of payments in lieu of taxes and their duration; repealing s. 373.465, F.S., to eliminate the Lake Panasoffkee Restoration Council; repealing s. 373.466, F.S., to eliminate the Lake Panasoffkee restoration program; amending s. 373.185, F.S.; revising the definition of Florida-friendly landscaping; deleting references to “xeriscape”; requiring water management districts to provide model Florida-friendly landscaping ordinances to local governments; revising eligibility criteria for certain incentive programs of the water management districts; requiring certain local government ordinances and amendments to include certain design standards and identify specified invasive exotic plant species; requiring water management districts to consult with additional entities for activities relating to Florida-friendly landscaping practices; specifying programs for the delivery of educational programs relating to such practices; providing legislative findings; providing that certain regulations prohibiting the implementation of Florida-friendly landscaping or conflicting with provisions governing the permitting of consumptive uses of water are prohibited; providing that the act does not limit the authority of the department or the water management districts to require Florida-friendly landscaping ordinances or practices as a condition of certain permit; creating s. 373.187, F.S.; requiring water management districts to implement Florida-friendly landscaping practices on specified properties; requiring districts to develop specified programs for implementing such practices on other specified properties; amending s. 373.228, F.S.; requiring water management districts to work with

specified entities to develop certain standards; requiring water management districts to consider certain information in evaluating water use applications from public water suppliers; conforming provisions to changes made by the act; amending s. 373.333, F.S.; authorizing an administrative fine to be imposed for each occurrence of unlicensed well water contracting; amending ss. 125.568, 166.048, 255.259, 335.167, 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming provisions to changes made by the act; revising provisions requiring the use of Florida-friendly landscaping for specified public properties and highway construction and maintenance projects; providing an effective date.

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

Section 1. Section 373.0363, Florida Statutes, is created to read:

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

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

(b) “District” means the Southwest Florida Water Management District.

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

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

(e) “West-Central Florida Water Restoration Action Plan” means the district’s regional environmental restoration and water-resource sustainability program for the Southern Water Use Caution Area.

(2) The Legislature finds that:

(a) In response to the growing demands from public supply, agriculture, mining, power generation, and recreational users, ground water withdrawals in the Southern Water Use Caution Area have steadily increased for nearly a century before peaking in the mid-1970s. These withdrawals resulted in declines in aquifer levels throughout the ground water basin, which in some areas exceeded 50 feet.

(b) While ground water withdrawals have since stabilized as a result of the district’s management efforts, depressed aquifer levels continue to result

in saltwater intrusion, reduced flows in the Upper Peace River, lowered water levels, and adverse water quality impacts for some lakes in the Lake Wales Ridge areas of Polk and Highlands Counties.

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

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

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

(f) The implementation of components of the Southern Water Use Caution Area Recovery Strategy, which are contained in the West-Central Florida Water Restoration Action Plan, is for the benefit of the public health, safety, and welfare and is in the public interest.

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

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

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

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

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

limits on groundwater withdrawals in order to slow the rate of saltwater intrusion. The initiative shall be an ongoing program in cooperation with the Peace River-Manasota Regional Water Supply Authority created under s. 373.1962.

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

(c) The Ridge Lakes Restoration Initiative. The purpose of this initiative is to protect, restore, and enhance natural systems and flood protection by improving and protecting the water quality of approximately 130 lakes located along the Lake Wales Ridge in Polk and Highlands Counties, which quality is threatened by stormwater runoff, wastewater effluent, fertilizer applications, groundwater pollution, degradation of shoreline habitats, and hydrologic alterations. This initiative shall be accomplished through the construction of systems designed to treat the stormwater runoff that threatens the water quality of such lakes. Such systems include swales, retention basins, and long infiltration basins, if feasible.

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

(e) The Central Florida Water Resource Development Initiative. The purpose of this initiative is to create and implement a long-term plan that takes a comprehensive approach to limit ground water withdrawals in the

Southern Water Use Caution Area and to identify and develop alternative water supplies for Polk County. The project components developed pursuant to this initiative are eligible for state and regional funding under s. 373.196 as an alternative water supply, as defined in s. 373.019, or as a supplemental water supply under the rules of the Southwest Florida Water Management District or the South Florida Water Management District. The initiative shall be implemented by the district as an ongoing program in cooperation with Polk County and the South Florida Water Management District.

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

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

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

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

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

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

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

373.0693 Basins; basin boards.—

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

(6)(a) Notwithstanding the provisions of any other general or special law to the contrary, a member of the governing board of the district residing in

the basin or, if no member resides in the basin, a member of the governing board designated by the chair of the governing board shall be the ~~ex officio~~ chair of the basin board. The ~~ex officio~~ chair shall preside at all meetings of the basin board, except that the vice chair may preside in his or her absence. The ~~ex officio~~ chair shall have no official vote, except in case of a tie vote being cast by the members, but shall be the liaison officer of the district in all affairs in the basin and shall be kept informed of all such affairs.

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

(7) At 11:59 p.m. on December 31, 1976, the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District, which is annexed to the Southwest Florida Water Management District by change of its boundaries pursuant to chapter 76-243, Laws of Florida, shall be formed into a subdistrict or basin of the Southwest Florida Water Management District, subject to the same provisions as the other basins in such district. Such subdistrict shall be designated initially as the Manasota Basin. The members of the governing board of the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District shall become members of the governing board of the Manasota Basin of the Southwest Florida Water Management District. Notwithstanding other provisions in this section, beginning on July 1, 2001, the membership of the Manasota Basin Board shall be comprised of ~~two~~ three members from Manatee County and ~~two~~ three members from Sarasota County. Matters relating to tie votes shall be resolved pursuant to subsection (6) by the ~~ex officio~~ chair designated by the governing board to vote in case of a tie vote.

(8)(a) At 11:59 p.m. on June 30, 1988, the area transferred from the Southwest Florida Water Management District to the St. Johns River Water Management District by change of boundaries pursuant to chapter 76-243, Laws of Florida, shall cease to be a subdistrict or basin of the St. Johns River Water Management District known as the Oklawaha River Basin and said Oklawaha River Basin shall cease to exist. However, any recognition of an Oklawaha River Basin or an Oklawaha River Hydrologic Basin for regulatory purposes shall be unaffected. The area formerly known as the Oklawaha River Basin shall continue to be part of the St. Johns River Water Management District. ~~There shall be established by the governing board of the St. Johns River Water Management District the Oklawaha River Basin Advisory Council to receive public input and advise the St. Johns River Water Management District's governing board on water management issues affecting the Oklawaha River Basin. The Oklawaha River Basin Advisory Council shall be appointed by action of the St. Johns River Water Management District's governing board and shall include one representative from~~

~~each county which is wholly or partly included in the Oklawaha River Basin. The St. Johns River Water Management District's governing board member currently serving pursuant to s. 373.073(2)(c)3. shall serve as chair of the Oklawaha River Basin Advisory Council. Members of the Oklawaha River Basin Advisory Council shall receive no compensation for their services but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.~~

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

373.073 Governing board.—

(1)

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

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

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

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

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

For any governing board vacancy that occurs before the date scheduled for the office to be filled under this paragraph, the Governor shall appoint a person meeting residency requirements of subsection (2) for a term that will expire on the date scheduled for the term of that office to terminate under this subsection. In addition to the residency requirements for the governing boards as provided by subsection (2), the Governor shall consider appointing governing board members to represent an equitable cross-section of regional interests and technical expertise.

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

373.079 Members of governing board; oath of office; staff.—

(4)(a) The governing board of the district is authorized to employ an executive director, ombudsman, and such engineers, other professional persons, and other personnel and assistants as it deems necessary and under such terms and conditions as it may determine and to terminate such employment. The appointment of an executive director by the governing board is subject to approval by the Governor and must be initially confirmed by the Florida Senate. The governing board may delegate all or part of its authority under this paragraph to the executive director. However, the governing board shall delegate to the executive director all of its authority to take final action on permit applications under part II or part IV or petitions for variances or waivers of permitting requirements under part II or part IV, except for denials of such actions as provided in s. 373.083(5). The executive director may execute such delegated authority through designated staff members. Such delegations shall not be subject to the rulemaking requirements of chapter 120. The executive director must be confirmed by the Senate upon employment and must be confirmed or reconfirmed by the Senate during the second regular session of the Legislature following a gubernatorial election.

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

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

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

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

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

(5) Execute any of the powers, duties, and functions vested in the governing board through a member or members thereof, the executive director, or other district staff as designated by the governing board. The governing board may establish the scope and terms of any delegation. The ~~However,~~ if the governing board shall delegate to the executive director all of its delegates the authority to take final action on permit applications under part II or part IV, or petitions for variances or waivers of permitting requirements under part II or part IV, and the executive director may execute such delegated authority through designated staff. Such delegations shall not be

subject to the rulemaking requirements of chapter 120. However, the governing board shall provide a process for referring any denial of such application or petition to the governing board to take final action. Such process shall expressly prohibit any member of a governing board from intervening in any manner during the review of an application prior to such application being referred to the governing board for final action. The authority in this subsection is supplemental to any other provision of this chapter granting authority to the governing board to delegate specific powers, duties, or functions.

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

373.118 General permits; delegation.—

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

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

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

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

(a) Is at least 18 years of age.

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

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

a. A water well contractor.

b. A water well driller.

c. A water well parts and equipment vendor.

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

2. A list of at least 10 water wells that the applicant has constructed, repaired, or abandoned within the preceding 5 years. Of these wells, at least

seven must have been constructed, as defined in s. 373.303(2), by the applicant. The list shall also include:

- a. The name and address of the owner or owners of each well.
- b. The location, primary use, and approximate depth and diameter of each well that the applicant has constructed, repaired, or abandoned.
- c. The approximate date the construction, repair, or abandonment of each well was completed.

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

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

373.236 Duration of permits; compliance reports.—

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

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

(7) A permit approved for a renewable energy generating facility or the cultivation of agricultural products on lands consisting of 1,000 acres or more for use in the production renewable energy, as defined in s.

366.91(2)(d), shall be granted for a term of at least 25 years at the applicant's request based on the anticipated life of the facility if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit; otherwise, a permit may be issued for a shorter duration that reflects the longest period for which such reasonable assurances are provided. Such a permit is subject to compliance reports under subsection (4).

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

373.243 Revocation of permits.—The governing board or the department may revoke a permit as follows:

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

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

373.536 District budget and hearing thereon.—

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

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

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

373.584 Revenue bonds.—

(5)(a) The total annual debt service for bonds issued pursuant to this section and s. 373.563 may not exceed 20 percent of the annual ad valorem tax revenues of the water management district, unless approved by the Joint Legislative Budget Commission.

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

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

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

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

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

373.59 Water Management Lands Trust Fund.—

(10)(a) Beginning July 1, 1999, not more than one-fourth of the funds provided for in subsections (1) and (8) in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payments in lieu of taxes for all actual ad valorem tax losses incurred as a result of all governing board acquisitions for water management district purposes ~~districts pursuant to ss. 259.101, 259.105, 373.470, and this section during any year.~~ Reserved funds not used for payments in lieu of taxes in any year shall revert to the Water Management Lands Trust Fund to be used in accordance with the provisions of this section.

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

1. To all counties that have a population of 150,000 or fewer. Population levels shall be determined pursuant to s. 186.901 ~~11-031~~. The population estimates published April 1 and used in the revenue-sharing formula pursuant to s. 186.901 shall be used to determine eligibility under this subsection and shall apply to payments made for the subsequent fiscal year.

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

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

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

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

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

(f) Payment in lieu of taxes pursuant to this subsection shall be made annually to qualifying counties and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual ad valorem taxes paid on the eligible property, and after the water management districts have provided supporting documents to the Chief Financial Officer and have requested that payment be made in accordance with the requirements of this section. With the assistance of the local government requesting payment in lieu of taxes, the water management district that acquired the land is responsible for preparing and submitting application requests for payment to the Department of Revenue for certification.

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

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

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

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

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

373.185 Local Florida-friendly landscaping Xeriscape ordinances.—

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

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

(b) ~~“Xeriscape” or “Florida-friendly landscaping 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 such landscaping ~~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 include practices such as landscape planning and design, appropriate choice of plants, soil analysis, which may include the appropriate use of solid waste compost, minimizing the use of efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

(2) Each water management district shall design and implement an incentive program to encourage all local governments within its district to adopt new ordinances or amend existing ordinances to require Florida-friendly Xeriscape landscaping for development permitted after the effective date of the new ordinance or amendment. ~~Each district shall adopt rules governing the implementation of its incentive program and governing the review and approval of local government Xeriscape ordinances or amendments which are intended to qualify a local government for the incentive program.~~ Each district shall assist the local governments within its jurisdiction by providing a model Florida-friendly landscaping ordinance Xeriscape code and other technical assistance. Each district may develop its own model or use a model contained in the “Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions” manual developed by the department. To qualify for a district’s incentive program, a local government Xeriscape ordinance or amendment, in order to qualify the local government for a district’s incentive program, must include, at a minimum:

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

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

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

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

- (e) Specific standards for land clearing and requirements for the preservation of existing native vegetation.
- (f) A monitoring program for ordinance implementation and compliance.

~~(3) Each water management district shall also~~ The districts also shall work with the department, local governments, county extension agents or offices, nursery and landscape industry groups, and other interested stakeholders to promote, through educational programs, and publications, and other district activities authorized under this chapter, the use of Florida-friendly landscaping Xeriscape practices, including the use of solid waste compost, in existing residential and commercial development. In conducting these activities, each district shall use the materials developed by the department, the Institute of Food and Agricultural Sciences at the University of Florida, and the Center for Landscape Conservation and Ecology Florida-Friendly Landscaping program, including, but not limited to, the Florida Yards and Neighborhoods Program for homeowners, the Florida Yards and Neighborhoods Builder Developer Program for developers, and the Green Industries Best Management Practices Program for landscaping professionals. Each district may develop supplemental materials as appropriate to address the physical and natural characteristics of the district. The districts shall coordinate with the department and the Institute of Food and Agricultural Sciences at the University of Florida if revisions to the educational materials are needed. This section may not be construed to limit the authority of the districts to require Xeriscape ordinances or practices as a condition of any consumptive use permit.

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

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

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

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

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

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

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

373.228 Landscape irrigation design.—

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

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

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

(4) The water management districts shall work with the Florida Nursery, Nurserymen and Growers and Landscape Association, ~~the Florida Native Plant Society~~, the Florida Chapter of the American Society of Landscape Architects, the Florida Irrigation Society, the Department of Agriculture and Consumer Services, the Institute of Food and Agricultural Sciences, the Department of Environmental Protection, the Department of Transportation, the Florida League of Cities, the Florida Association of Counties, and the Florida Association of Community Developers to develop landscape irrigation and Florida-friendly landscaping ~~xeriscape~~ design standards for new construction which incorporate a landscape irrigation system and develop scientifically based model guidelines for urban, commercial, and residential landscape irrigation, including drip irrigation, for plants, trees, sod, and other landscaping. ~~The landscape and irrigation design standards shall be based on the irrigation code defined in the Florida Building Code, Plumbing Volume, Appendix F.~~ Local governments shall use the standards and guidelines when developing landscape irrigation and Florida-friendly landscaping ~~xeriscape~~ ordinances. By January 1, 2011, the agencies and entities specified in this subsection shall review the standards and guidelines to determine whether new research findings require a change or modification of the standards and guidelines.

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

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

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

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

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

125.568 Conservation of water; Florida-friendly landscaping Xeriscape.—

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

(b) As used in this section, “Xeriscape” or “Florida-friendly landscaping” has the same meaning as in s. 373.185 “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 Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, practical use of turf, efficient irrigation, appropriate use of mulches, and proper maintenance.

(2) The board of county commissioners of each county shall consider enacting ordinances, consistent with s. 373.185, requiring the use of Florida-friendly landscaping Xeriscape as a water conservation or water quality protection or restoration measure. If the board determines that such landscaping Xeriscape would be of significant benefit as a water conservation or water quality protection or restoration measure, especially for waters designated as impaired pursuant to s. 403.067, relative to the cost to implement Florida-friendly Xeriscape landscaping in its area of jurisdiction, the board shall enact a Florida-friendly landscaping Xeriscape ordinance. Further, the board of county commissioners shall consider promoting Florida-friendly landscaping Xeriscape as a water conservation or water quality protection or restoration measure by: using such landscaping Xeriscape in any, around, or near facilities, parks, and other common areas under its jurisdiction which are landscaped after the effective date of this act; providing public education on Florida-friendly landscaping Xeriscape, its uses in increasing as a water conservation and water quality protection or restoration tool, and its long-term cost-effectiveness; and offering incentives to local residents and businesses to implement Florida-friendly Xeriscape landscaping.

(3)(a) The Legislature finds that the use of Florida-friendly landscaping and other water use and pollution prevention measures to conserve or pro-

tect the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to the state's efforts in water conservation and water quality protection and restoration.

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

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

Section 22. Section 166.048, Florida Statutes, is amended to read:

166.048 Conservation of water; Florida-friendly landscaping Xeriscape.—

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

(b) As used in this section, "Xeriscape" or "Florida-friendly landscaping" has the same meaning as in s. 373.185 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 Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, practical use of turf, efficient irrigation, appropriate use of mulches, and proper maintenance.

(2) The governing body of each municipality shall consider enacting ordinances, consistent with s. 373.185, requiring the use of Florida-friendly landscaping Xeriscape as a water conservation or water quality protection or restoration measure. If the governing body determines that such landscaping Xeriscape would be of significant benefit as a water conservation or water quality protection or restoration measure, especially for waters designated as impaired pursuant to s. 403.067, relative to the cost to implement Florida-friendly Xeriscape landscaping in its area of jurisdiction in the municipality, the governing body ~~board~~ shall enact a Florida-friendly landscaping Xeriscape ordinance. Further, the governing body shall consider promoting Florida-friendly landscaping Xeriscape as a water conservation or water quality protection or restoration measure by: using such landscaping Xeriscape in any, around, or near facilities, parks, and other common areas under its jurisdiction which are landscaped after the effective date of this act; providing public education on Florida-friendly landscaping Xeriscape, its

uses in increasing as a water conservation and water quality protection or restoration tool, and its long-term cost-effectiveness; and offering incentives to local residents and businesses to implement Florida-friendly Xeriscape landscaping.

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

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

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

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

255.259 Florida-friendly Xeriscape landscaping on public property.—

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

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

(3) The Department of Management Services, in consultation with the Department of Environmental Protection, shall adopt rules and guidelines for the required use of Florida-friendly landscaping Xeriscape on public property associated with publicly owned buildings or facilities constructed after June 30, 2009 1992. The Department of Management Services also shall also develop a 5-year program for phasing in the use of Florida-friendly landscaping Xeriscape on public property associated with publicly owned

buildings or facilities constructed before July 1, ~~2009~~ 1992. In accomplishing these tasks, the Department of Management Services shall take into account the standards provided in guidelines set out in s. 373.185(2)(a)-(f). The Department of Transportation shall implement Florida-friendly Xeriscape landscaping pursuant to s. 335.167.

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

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

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

Section 24. Section 335.167, Florida Statutes, is amended to read:

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

(1) The department shall use and require the use of Florida-friendly landscaping Xeriscape practices, as defined in s. 373.185(4), in the construction and maintenance of all new state highways, wayside parks, access roads, welcome stations, and other state highway rights-of-way constructed upon or acquired after June 30, ~~2009~~ 1992. The department shall develop a 5-year program for phasing in the use of Florida-friendly landscaping Xeriscape, including the use of solid waste compost, in state highway rights-of-way constructed upon or acquired before July 1, ~~2009~~ 1992. In accomplishing these tasks, the department shall employ the standards guidelines set out in s. 373.185(2)(a)-(f).

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

(b) A deed restriction or covenant entered after October 1, 2001, or local government ordinance may not prohibit or be enforced so as to prohibit any property owner from implementing Xeriscape or Florida-friendly landscaping landscape on his or her land or create any requirement or limitation in conflict with any provision of part II of chapter 373 or a water shortage

order, other order, consumptive use permit, or rule adopted or issued pursuant to part II of chapter 373.

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

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

380.061 The Florida Quality Developments program.—

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

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

a. Those wetlands and water bodies throughout the state which ~~as~~ would be delineated if the provisions of s. 373.4145(1)(b) were applied. The developer may use such areas for the purpose of site access, provided other routes of access are unavailable or impracticable; may use such areas for the purpose of stormwater or domestic sewage management and other necessary utilities ~~if to the extent that~~ such uses are permitted pursuant to chapter 403; or may redesign or alter wetlands and water bodies within the jurisdiction of the Department of Environmental Protection which have been artificially created, if the redesign or alteration is done so as to produce a more naturally functioning system.

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

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

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

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

2. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency, ~~or by the Department of Environmental Protection,~~ or the Department of Agriculture and Consumer Services. This subparagraph does is not ~~intended to~~ apply to the production of these substances in nonsignificant amounts as would occur through household use or incidental use by businesses.

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

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

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

6. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts ~~that which~~ the development will impose on publicly funded facilities and services, except offsite transportation, and condition or phase the commencement of development to ensure that public facilities and services, except offsite transportation, ~~are will be~~ available concurrent with the impacts of the development. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the standards of the state land planning agency's development-of-regional-impact transportation rule, the approved strategic regional policy plan, any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of chapter 163.

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

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

388.291 Source reduction measures; supervision by department.—

(3) Property owners in a developed residential area shall ~~are required to~~ maintain their property in ~~such a manner that does so as~~ not to create or maintain any standing freshwater condition capable of breeding mosquitoes or other arthropods in significant numbers so as to constitute a public health, welfare, or nuisance problem. ~~Nothing in~~ This subsection ~~does not authorize shall permit~~ the alteration of permitted stormwater management systems or prohibit maintained fish ponds, Florida-friendly landscaping ~~xeriscaping~~, or other maintained systems of landscaping or vegetation. If

such a condition is found to exist, the local arthropod control agency shall serve notice on the property owner to treat, remove, or abate the condition. Such notice ~~is shall serve as~~ prima facie evidence of maintaining a nuisance, and upon failure of the property owner to treat, remove, or abate the condition, the local arthropod control agency or any affected citizen may proceed pursuant to s. 60.05 to enjoin the nuisance and may recover costs and attorney's fees if they prevail in the action.

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

481.303 Definitions.—As used in this chapter:

(6) “Landscape architecture” means professional services, including, but not limited to, the following:

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

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

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

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

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

720.3075 Prohibited clauses in association documents.—

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

(b) Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, entered after October 1, 2001, may not prohibit or be enforced so as to prohibit any property owner from implementing Xeriscape or Florida-friendly landscaping landscape, as defined in s. 373.185(1), on his or her land or create any requirement or

limitation in conflict with any provision of part II of chapter 373 or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to part II of chapter 373.

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

Approved by the Governor June 30, 2009.

Filed in Office Secretary of State June 30, 2009.