

Fact Sheet

SB2080 and HOA landscaping practices (373.185 F.S. and other chapters)

The Legislature passed and the Governor signed SB2080 into law June 30, 2009. Parts of the law address issues involving homeowner associations (HOAs), including:

- Homeowner association (HOA) covenants, restrictions, and ordinances may not prohibit Florida-Friendly Landscaping practices.*
- Does not invalidate HOA architectural control committees or landscaping committees. It does apply reasonable limits.
- Prohibits HOA mandates that require:
 - water-wasting practices such as overwatering of plants or inappropriate site design
 - inappropriate placement of plants such that regular irrigation is required to keep the plants healthy
 - excessive or improper fertilization
 - excessive use of pesticides
 - violation of Water Management District water use restrictions.
- Forbids prohibitions on
 - reasonable and appropriate use of mulch,
 - plants attractive to wildlife such as butterfly or hummingbird gardens or other non-nuisance wildlife,
 - attractive, well suited plants in the landscape in favor of other plants that are less well suited to the site (wrong plant, wrong place)
 - swales or rain gardens, waterfront buffers or other protective practices,
 - composting bins or rain barrels, etc.
- Does not prohibit reasonable limits on Florida-friendly landscaping such as to be well maintained or limited to a backyard, side area or screened, where feasible.

Model Florida-friendly covenants

Model Florida-Friendly Covenants are included in the [“Florida Friendly Guidance Models for Ordinances, Covenants, and Restrictions”](#) publication available from the Department of Environmental Protection at <http://www.dep.state.fl.us/water/nonpoint/pubs.htm>.

** (The U.S. Supreme Court has determined that the police powers of the States to protect public health and welfare may trump private contracts.)*



Title: SB 2080
URL Link: javascript:void window.open('/WorkArea/showcontent.aspx?id=18558','showcontent','toolbar=0,location=0,directories=0,status=0,menubar=0,scrollbars=1,resizable=1,width=700,height=600')
Library ID: 18574
Parent Folder: Documents
Last User To Edit: Hollister, Jacqueline
Last Edit Date: 3/18/2010
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[Preview SB 2080](#)