

## 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  
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