

# FLORIDA FRIENDLY LANDSCAPING

+

# HOMEOWNERS ASSOCIATIONS

A Guide to Understanding the Florida  
Friendly Landscaping Laws

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In response to the growing concern of Florida's limited natural resource of water and water quality, a law was passed and became effective July 1, 2009, that gave homeowners greater rights concerning their yards and being able to install environmentally friendly landscaping. This landscaping, being native and adapted to the conditions in Florida would require less water, less fertilizer and less pesticides than ornamental plants normally planted in a yard. This is known as Florida Friendly Landscaping.

There is much misunderstanding and misinterpretation concerning this law and its intentions and Florida Friendly Landscaping.

This brochure was created to bring clarity to the issue, giving both homeowners and the homeowners associations a better understanding of the concept of Florida Friendly Landscaping and what it means to them.



# Florida Statutes 373.185 - Local Florida-Friendly Landscaping Ordinances

Florida Statutes > Title XXVIII > Chapter 373 > Part I > § 373.185. Local Florida-friendly landscaping ordinances

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

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

(b) “Florida-friendly landscaping” means quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of such landscaping 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, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance.

*Florida Friendly landscaping has nine principles that define the concept: 1. plant the right plant in the right place, 2. water efficiently, 3. fertilize appropriately, 4. mulch, 5. attract wildlife 6. manage yard pests responsibly, 7. recycle yard waste, 8. reduce stormwater runoff, and 9. protect the waterfront. Supplementary principles would include proper planning, soil analysis, composting, reduced irrigation use, 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 landscaping for development permitted after the effective date of the new ordinance or amendment. Each district shall assist the local governments within its jurisdiction by providing a model Florida-friendly landscaping ordinance 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 ordinance or amendment 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 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 impervious surfaces allowed in a Florida-friendly landscaped 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.

*Water Management Districts are to establish incentive programs to encourage local governments to implement or modify ordinances to require Florida-friendly landscaping. (This section has nothing to do with the homeowner or the association and is the responsibility of the Water Management District.)*

(3) Each water management district shall also 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, publications, and other district activities authorized under this chapter, the use of Florida-friendly landscaping practices, including the use of solid waste compost, in 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 co-



ordinate with the department and the Institute of Food and Agricultural Sciences at the University of Florida if revisions to the educational materials are needed.

*Water Management Districts are to promote the use of Florida-friendly landscaping practices through various means. This shall be done through material developed at the University of Florida. (Again, this section has nothing to do with the homeowner or the association and is the responsibility of the Water Management District.)*

(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.

*Florida Friendly Landscaping protects an important public interest to conserve water, promote water quality, protect and restore water quality.*

(b) A deed restriction or covenant may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping 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.



*A deed restriction or covenant (ie. a Homeowners Association) cannot forbid any owner from installing a Florida Friendly Landscape.*

(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.

Any local government can not forbid any owner from installing a Florida Friendly Landscape.

*Any local government cannot forbid any owner from installing a Florida Friendly Landscape.*

(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.

*In addition to promoting Florida Friendly landscape, the water management district can require the use Florida Friendly landscape through a permit issued under Fl. Chapter 373. (Again, this section has nothing to do with an existing homeowner or the association and is typical of new construction.)*

s. 3, ch. 91-41; s. 3, ch. 91-68; s. 7, ch. 2001-252; s.



## Further Points

### **Florida Friendly Statues does not overturn HOA architectural control.**

The Florida Friendly Amendments have not changed the Architectural Review/Control Committee or Landscaping Committees process for Homeowners Associations. If deed restrictions or covenants require HOA approval for landscape modifications, then homeowners still need approval from HOA's. Homeowners must still go through the proper procedures if they want to change any of their landscaping, The Florida Friendly law doesn't give the homeowner carte blanche for any changes they want to make to their yard.

### **Aesthetic Standards still apply.**

Many C and R's are written to state that the homeowner must maintain their yard to aesthetic standards. Florida Friendly yards must also be maintained to these standards. Compost bins and rain barrels are to be regulated to back or side yards, screened and/or out of site.

### **Yards must be maintained and cannot grow wild.**

Florida Friendly does not prohibit practical parameters on Florida Friendly landscape such as requiring well maintained yards. Maintenance practices that follow Florida-Friendly Landscaping™ guidelines are critical, as these practices conserve and preserve Florida's water by limiting irrigation, fertilizer and pesticide use.

### **An HOA can dictate specific plants**

A Homeowners Association can identify the selections of plant material to the homeowners only of the materials (plants, turfgrass, mulch, etc.) are appropriate to the specific site and embrace the "right plant, right place" standard of Florida-Friendly Landscaping. The HOA must also check its specific C and R's to determine whether they can dictate this according to their specific rules.





## **Turfgrass is allowed in Florida Friendly Yards.**

Turfgrass is allowed in Florida Friendly Yards. Site –specific turfgrass must be maintained and must match the site conditions suitable to that specific turfgrass.

### Acceptable Turfgrass

Bermudagrass

Centipedegrass

Bahiagrass

St Augustine (two specific cultivars)

Zoysiagrass

## **Rocks, artificial turf and rubber mulch are not Florida Friendly.**

Rocks in large quantities are not permitted in Florida Friendly Yards. If rocks are used in a yard, it is recommended that they be used in a reasonable manner, such as accents, in rain gardens or in a path.

Residents also cannot substitute artificial turf for turfgrass and cannot use rubber mulch. These items can increase heat, do not support wild-life and leach chemicals into the soil.



# Florida Friendly Landscaping

The Florida Friendly landscaping is a guide to creating and having a low impact landscape in the great state of Florida, but the principles are universal and can be applied elsewhere in the nation or the world. The intention of the principles of the Florida Friendly landscape is to simply implement environmentally sound landscape design as well as environmentally friendly maintenance techniques.

## 9 Principles of the Florida Friendly Landscape

1. Right Plant, Right Place
2. Water Efficiently
3. Fertilize Appropriately
4. Mulch
5. Attract Wildlife
6. Manage Yard Pest Responsibly
7. Recycle
8. Reduce Storm Water Runoff
9. Protect the Waterfront



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## **Services Provided**

**Residential Landscape Design**

**Community Common Area Landscape Design**

**Florida-Friendly Landscaping Guidelines**

**Site Evaluations Pertaining to Florida Friendly**

**Expert Testimony on Florida Friendly**

**Landscape Maintenance Contract Specifications**

**Landscape Ordinances, Covenants, and Restrictions for New  
Community Associations**

**Landscape Ordinances, Covenants, and Restrictions Amendments  
to Existing Community Associations**

**Amendments to the Covenants and Restrictions covering Florida  
Friendly**

**ARC Guidelines for Florida Friendly**

**ARC Florida Friendly Plant Palette Development**

**Contracts Written for HOA's Florida Friendly Guidelines**



# Resources

Below are links to helpful and useful resources.

## Nurseries Specializing in Native and Adapted Plants

Biosphere Nursery <http://biospherenursery.com/>  
14908 Tilden Road  
Winter Garden, FL 34787  
TEL: 407-656-8277

## Websites Specializing in the Florida Friendly Yards

florida friendly landscape  
<http://fyn.ifas.ufl.edu/>

Questions and Answers: 2009 Florida-Friendly Landscaping Legislation1  
<http://edis.ifas.ufl.edu/ep440>

## Landscape Architect Ecological/Environmental Consultant

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