



New Florida-Friendly Legislature... Simplified

by Lisa Strange, FYN Community Association Coordinator

On July 1, 2009, Governor Charlie Crist signed into law two new bills that will ultimately affect the way community associations, property managers, and landscape maintenance companies approach landscaping. The new state law SB 2080 refines the definition of Florida-Friendly Landscaping to mean quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought-tolerant. The principles of such landscaping include the right plant in the right place, efficient watering, appropriate fertilization, mulch, attraction of wildlife, responsible management of yard pests, yard waste recycling, reduction of stormwater runoff, and waterfront protection.

Additional components include proper landscape planning and design, soil analysis, and proper maintenance such as mowing and pruning. State Bill 494 requires Florida-Friendly Best Management Practices training and certification for all professional landscape maintenance workers.

Florida-Friendly Landscaping is a program of the University of Florida/Institute of Food and Agricultural Sciences (UF/IFAS). It incorporates a variety of options for designing and maintaining a landscape, but the critical features are aesthetics, water quality, water conservation, and plant selection.

Aesthetics are important and each Florida-Friendly Landscape can be beautiful and as distinctive as its owner's taste. Florida-Friendly Landscapes may be designed in a wide variety of styles and types, using both native and adapted non-native species of plants. A well-maintained Florida-Friendly Landscape enhances neighborhood beauty and increases property value.

Applying Florida-Friendly Landscaping principles helps protect Florida's surface water and ground water quality. Using UF/IFAS-recommended application rates and timings of pesticides, fertilizers, and irrigation can help prevent nonpoint source pollution (water pollution that is associated with everyday human activities and driven by rainfall, runoff, and leaching) from urban landscapes. When combined with low-impact design principles—such as rain barrels, cisterns, swales and berms, and pervious pavements—these correct

cultural practices can reduce the flow of storm water, which can carry trash, pet wastes, plant clippings, and loose soil into storm drains and water bodies.

With Florida in a multi-year drought, it's critical that everyone does his or her part to conserve water resources. Florida-Friendly Landscapes are great water- and money-savers. By choosing plants appropriate for the site and maintaining them with correct cultural practices (irrigation, fertilization, mowing, and pruning), one can significantly reduce not only the amount of water a landscape needs to survive, but also the chance of plant diseases and pests associated with overwatering. Other Florida-Friendly Landscaping techniques will reduce the amount of water lost to evaporation or runoff. Mulching a garden bed helps keep the soil moist for longer periods. Using pervious materials such as crushed shell or gravel for walks and driveways allows rainwater to soak into the ground rather than running into storm drains.

A Florida-Friendly Landscape's beauty and functionality depend on a mix of trees, plants, and turf grass chosen for their specific location (FFL #1 Principle: "Right Plant, Right Place") and maintained according to UF/IFAS recommendations. Florida-Friendly Landscaping principles encourage the use of both native and adapted non-native species of plants. Invasive exotics should be removed where possible and never planted.

Below are summaries of the state bills, along with links to read each bill in its entirety.

SB 2080

- Deletes references to "xeriscape"
- Requires water management districts to provide model Florida-Friendly Landscaping (FFL) ordinances to local governments or use a model contained in the Florida-Friendly Landscaping Models for Ordinances, Covenants, and Restrictions Manual, developed by DEP
- States that a deed restriction or covenant may not prohibit any property owner from implementing FFL on his or her land
- Says that a local government ordinance may not prohibit any property owner from implementing FFL on his or her land
- Says that local governments must use the standards and guidelines when developing landscape irrigation and Florida-Friendly Landscaping ordinances

Visit this link for further info: www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2080er.pdf.

SB 494

- Requires that all commercial fertilizer applicators have a Florida Department of Agriculture and Consumer Services (FDACS) license by January 1, 2014
- States that passing the Green Industry Best Management Practices (GI-BMP) training, or an approved equivalent, is mandatory to obtain that license
- States that FDEP, in cooperation with UF/IFAS, shall provide training and testing programs in urban landscape management practices and may issue certificates demonstrating satisfactory completion of the training
- States that after receiving a certificate of completion, a person may apply to FDACS to receive a limited certification for urban landscape

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total number of votes needed for the majority vote reduced by four? The above is especially important to us because we are also considering a special assessment for improvements that requires a two-thirds vote.

K.W., Miami

A The question you asked is a good one. Unfortunately, neither the courts nor the HOA Act give guidance in answering it. I am of the opinion that notwithstanding the suspension of the unit voting right due to their delinquency, when determining a quorum and the votes required to amend the documents, it is still based upon the total number of units, including those which have their voting rights suspended.

Q I read somewhere that a Licensed Community Association Manager (LCAM) is required if a condominium has more than 10 units and decides to hire a property manager. Please confirm this recent condominium regulation for me. I appreciate your urgent consideration. Thanks.

Y.Y., Fort Lauderdale

A The threshold for when a community association must use a licensed manager is when the association manages MORE THAN 10 units OR, has an annual budget in excess of \$100,000; in which case Chapter 468, Florida Statutes, controls.

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commercial fertilizer application under 482.1562 Florida Statute

- States that a person possessing such a certification is not subject to additional local testing
 - Mandates that beginning January 2014, any person applying fertilizer to an urban landscape must be certified under 482.1562, Florida Statute says that a limited certification expires four years after the date of issuance
 - States that before applying for recertification, the applicant must complete four classroom hours of acceptable continuing education, of which at least two hours address fertilizer best management practices
- Visit this link for further info: www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0494er.pdf.

For other frequently asked questions about these bills, visit <http://fyn.ifas.ufl.edu>.

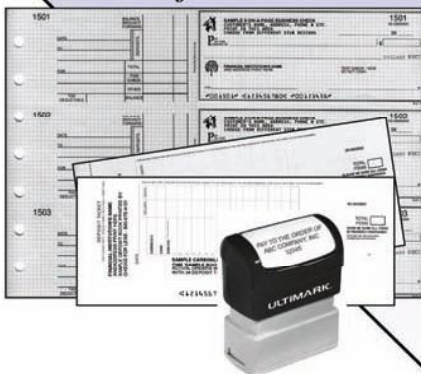
Contact your local county UF/IFAS Extension office for more information on Florida-Friendly Landscaping and help with landscape contracts. To order one (1) free Florida-friendly handbook and plant list from the Southwest Florida Water Management District, go to <http://WaterMatters.org>. For more information on the Florida Yards & Neighborhoods (FYN) program, go to <http://fyn.ifas.ufl.edu> or visit <http://floridayards.org>.

The FYN Community Association Outreach program in Hillsborough, Polk, Pinellas and Pasco counties is funded by the Southwest Florida Water Management District and the Boards of County Commissioners. For more information on the Florida Yards & Neighborhoods Program go to <http://fyn.ifas.ufl.edu>. ■

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