



Alachua County's HOA Florida-Friendly Landscaping™ Code

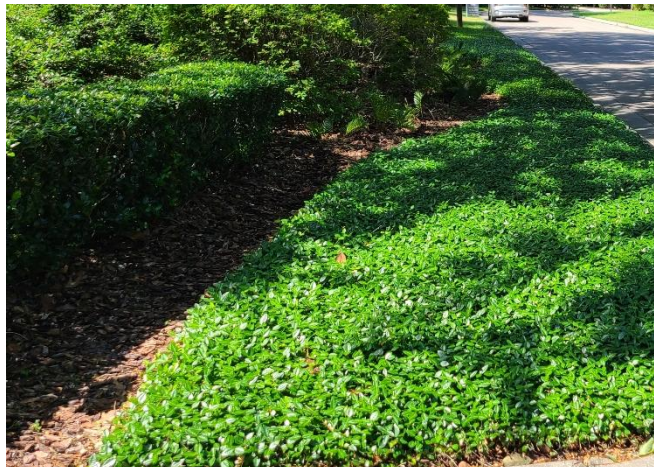
Eliana Bardi

Alachua County Environmental Protection Department

What is Florida-Friendly Landscaping™ ?

*“Florida Friendly Landscaping means quality landscapes that **conserve water, protect the environment**, are adaptable to local conditions, and are drought tolerant.”*

— Language from the FFL Statute 373.185



Benefits on water quantity



UF/IFAS Extension's
**Florida-Friendly
Landscaping™ (FFL)**
program and the
**Center for Land Use
Efficiency (CLUE)**
partner with state
agencies, local
governments, and
nonprofit
organizations to
safeguard our water
for future generations.



¹ Water 2070 project (FDACS, UF Geoplan Center, 3000 Friends of Florida)

² U.S. Environmental Protection Agency (EPA), 2015

³ Participants reporting they began a new behavior or more consistently performed the behavior.

⁴ Gorbous et al. February 2021. Estimating Benefits of Residential Outdoor Water Conservation: A Step-by-Step Guide. <https://edis.ifas.ufl.edu/IN1009> and Goyer and Dukes. August 2015. Estimated Water Savings Potential of Florida-Friendly Landscaping Activities. <https://edis.ifas.ufl.edu/IN515>

SAVING FLORIDA'S WATER SUPPLY, DROP BY DROP

WATER DEMAND

Water demand already exceeds supply in some parts of Florida, and projections show the state could double its current water usage by 2070 if population growth, water-use habits, and irrigation practices do not change.¹



At least
50%
of Florida household water usage
is for landscape irrigation.



The average U.S. household
spends more than
\$1,000
per year on water.²

WATER CONSERVATION

In 2022,
105,000
residents and landscape professionals
participated in water conservation programs, taught by
93 UF/IFAS Extension faculty statewide.

Follow-up surveys showed...³

90%	reduced irrigation in winter months
89%	reduced irrigation in summer months
87%	reduced irrigation to 2 days/week
87%	used a soil moisture sensor
84%	used rain gauge to track rainfall

MAKING AN IMPACT⁴



340,124,479
gallons of water saved...



...enough water to supply
3,865
households with water for one year.



\$1,465,937
saved on utility bills.

Benefits on water quality



Since 1993 the Florida-Friendly Landscaping™ (FFL) program has partnered with the Florida Department of Environmental Protection (FDEP) to reduce pollution in Florida waters. Polluted runoff from rainfall or overwatering is a major source of excess nitrogen and a major contributor to poor water quality.¹ FFL is an integral component of many Basin Management Action Plans (BMAPs) and helps to reduce nitrogen loading into Florida waters.



¹Reisinger et al. March 2020. Sources and Transformations of Nitrogen in Urban Landscapes. <https://edis.ifas.ufl.edu/publication/ss681>.

²Florida Department of Environmental Protection. July 2023. 2022 Statewide Annual Report on Total Maximum Daily Loads, Basin Management Action Plans, Minimum Flows or Minimum Water Levels, and Recovery or Prevention Strategies. <https://floridadep.gov/dear/water-quality-restoration/content/statewide-annual-report>.

³2022 IFAS Workload data.

⁴2021 surveys of FFL participants (N=656) and landscape professionals (98).

REDUCING Nitrogen Pollution in Florida Waters

WATER QUALITY BENEFITS OF FLORIDA-FRIENDLY LANDSCAPING™

- **FFL** efforts **prevented** an estimated **128,714 pounds of nitrogen from entering Florida waters** in 2022.²
- **9,400** landscape professionals **adopted** one or more green industry **best management practices** (GI-BMP).³
- **22,000** adult participants in FFL Extension programs **adopted** one or more **best management practices** for residential landscapes.³
- **Participants shared** what they learned through FFL **with 3 other people**, on average.⁴
- **95%** of landscape professionals reported using UF/IFAS green industry **best management practices for fertilizer use**, compared to just **65% before** attending the FFL training.⁴
- **72%** of residential participants said they **adopted** one or more **FFL water conservation practices**.⁴

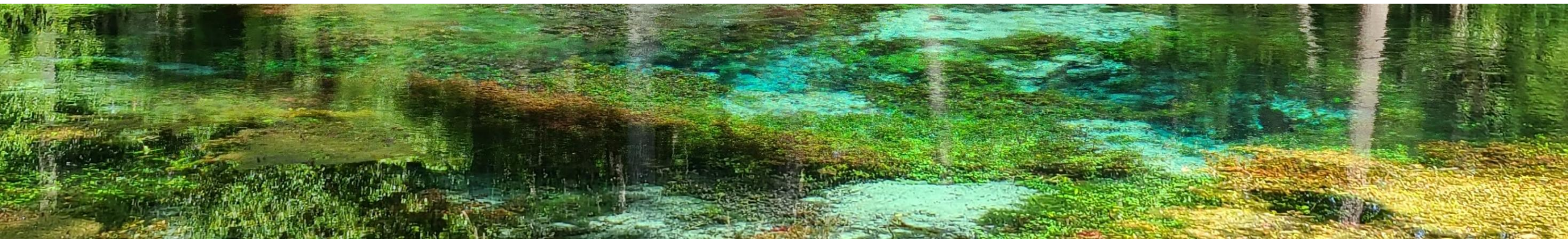
→ **Every pound of nitrogen** that FFL prevents from entering Florida waters **saves \$500 or more** in nitrogen removal costs, such as stormwater pond construction.²

→ **Estimated statewide annual savings of \$64.4 million.**



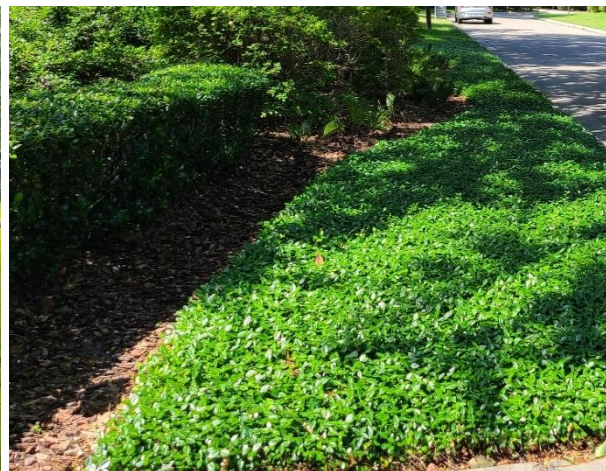
State Water Protection Efforts

2009 Florida Legislature found “...Florida-Friendly Landscaping™ and other water use and pollution prevention measures serves a compelling public interest and that the participation of **HOAs** and **local governments** **is essential** to the state’s efforts in water conservation and water quality protection and restoration.”



2009, Florida Statute 373.185

*Deed restrictions, covenants or local ordinances cannot prohibit **or be enforced so as to prohibit** any property owner from implementing Florida-Friendly Landscaping (FFL)*



Why Adopt the State Statute into Local Code?

- Confusion regarding implementation
- Statute was never assigned to a specific agency;
enforced only by court system
- HOAs reported as a barrier in landscape surveys

Florida residents deal with lawsuits from HOA for landscaping choices

Jill Odom
Aug 3, 2015

Florida residents who are trying to conserve water by changing their landscaping are having their efforts impeded by homeowner association (HOA) lawsuits.

One man, Dominic Bruno, has been battling for a Florida-friendly lawn for six years. Thus far that fight has resulted in two lawsuits and \$15,000 in court expenses.



Florida-friendly Landscaping is a where a person uses low-maintenance plants and environmentally sustainable practices.
Photo: springhillnow.com



2019 Alachua County CH 77: Article VII

Homeowner Association Florida Friendly Landscaping Design Standards

Sec. 77.69 – Deed Restrictions and Covenants

(a) HOA docs cannot prohibit or be enforced ...

(b) HOAs cannot require a property owner to have a permanent irrigation system

(c) HOAs must keep a current contact on file with the county

Sec. 77.71 - Use of awards.

(a) Money recovered shall be deposited in fund for water conservation projects

ARTICLE VII. - HOMEOWNER ASSOCIATION FLORIDA FRIENDLY LANDSCAPING DESIGN STANDARDS

Sec. 77.67. - Intent and purpose.

It is the intent and purpose of this article to promote increased water conservation and improve water quality throughout Alachua County by promoting Florida Friendly Landscaping™.

(Ord. No. 2019-09A, § 7, 4-9-19)

Sec. 77.68. - Territorial jurisdiction.

This article shall apply countywide within Alachua County. The Alachua County Environmental Protection Department (hereinafter "the department") shall administer the provisions of this article.

(Ord. No. 2019-09A, § 7, 4-9-19)

Sec. 77.69. - Deed restrictions and covenants.

- (a) 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 Title 7, Chapter 77, any provision of F.S. Chapter 373, part II, or any other provision, of the Alachua County Code.
- (b) A deed restriction or covenant recorded after October 1, 2019 may not require a property owner to have a permanent irrigation system on his or her land.
- (c) All homeowner associations that are governed by deed restrictions or covenants must keep a current contact on file with the county.

(Ord. No. 2019-09A, § 7, 4-9-19; Ord. No. 2023-10, § 4, 5-23-23)

Sec. 77.70. - Enforcement.

Violation of any provision of this article shall be subject to penalties as provided in [Chapter 24](#), Alachua County Code or any other remedy available at law or equity.

(Ord. No. 2019-09A, § 7, 4-9-19)

Sec. 77.71 - Use of awards.

- (a) Any money recovered by the county in an action against any person who was found in violation of this article shall be deposited in the water conservation fund used for water conservation projects in the county.



This guide provides information for homeowners and Homeowners Associations (HOAs) about Article VII of Chapter 77 of the Alachua County Water Quality Code.



Enforcement Process

- Citizen contacts Alachua County Environmental Protection Department (EPD)
- County communicates with homeowner & HOA
- If needed, educational site visit and recommendations, AC Extension
- If no resolution, EPD can bring the case before Special Magistrate, hire an independent expert to make FFL determination (testify if needed)
- Apply enforcement actions/fees as appropriate to ensure compliance



The ordinance has not been violated
Turf species complies with the “right
plant in the right place” principle



The HOA is in violation of the code
Turf species is not the “right plant in
the right place”

Case Example

HOA only allows sod along the curbside, homeowner requests FFL alternative





Resodded Several Times



Trimmed healthy trees



Multiple chemical Tx



Added irrigation

Association "alternative FFL" proposal

- Prune/Remove Heritage Live Oak
- Treat/manage fungus
- Install new fungi-resistant turf
- Continue chemical treatments
OR Install Artificial Turf



November 2018 - April 2024



- Special Magistrate found HOA in violation of the code, required FFL option and court fees
- Homeowner finally had resolve after 6 years, expense & stress
- Upheld the County's authority to enforce the ordinance that reflects state law, support for future cases

Education Campaign - 2022

Stand up to HOAs



Leave grass in the past



How it started...

How it's going.



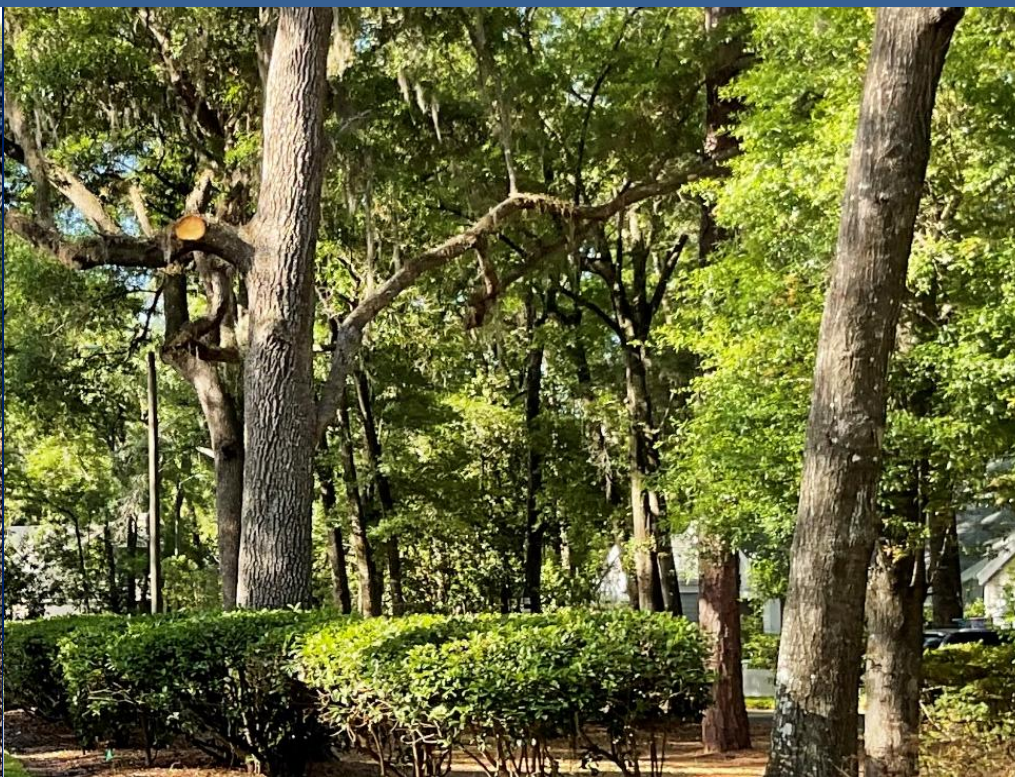
Outdated...

Updated!

Education Campaign Refresh - 2025



Common Issues



Landscape issues and water/fertilizer use

Common pests and diseases	Preventative measures	
	Decrease irrigation	Decrease fertilizer
Powdery Mildew	✓	✓
Coontie Scales and Mealybugs		✓
Lethal Bronzing/Yellowing	✓	
Southern Chinch Bug	✓	✓
Fall Armyworm		✓
Tropical Sod Webworm		✓
Mole Crickets	✓	

HOAs Cannot Require Homeowners to:

- Have a permanent irrigation system
(Deed restrictions or covenants adopted after October 2019)
- Maintain an HOA required species that is not the right plant in the right place
- Trim or remove healthy trees to change light conditions to grow an HOA required species
- Add irrigation or water outside of permitted irrigation restrictions to maintain an HOA required species
- Repeatedly apply chemical treatments to address problem areas that continue to fail





HOA Responsibilities:

- Offer timely response to homeowner inquiries regarding landscape and FFL
- Provide specific details to homeowners regarding HOA violations and unmet requirements (HB1203)
- Consistent implementation of guidelines

Homeowner Responsibilities



This guide provides information for homeowners and Homeowners Associations (HOAs) about Article VII of Chapter 77 of the Alachua County Water Quality Code.



- Follow outlined HOA procedures for proposing landscape changes
- Submit ARC applications for review prior to making changes
- If there is not an agreement between parties after following procedures, the homeowner **or HOA** is encouraged to contact EPD for assistance

Recommendations for HOAs

- Adopt a reasonable and extensive list of approved FFL species for various landscape conditions
- Remove barriers to FFL implementation in landscaping guidelines (and CCRs if applicable)
- Adopt FFL practices, hire FFL/Florida Water Star professionals, Include an FFL trained member on your board
- Contact EPD, FFL program and UF/IFAS for information, guidance and resources



Photo : nativebackyards.com



Reasons to adopt a local HOA FFL Code

- Easy code to adopt
- Provide immediate support for homeowners
- Improve local HOA accountability, offer support
- Cost limited, scalable
- ~~Applicability for BMAP outreach credits possible?~~



Contact Information

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www.AlachuaCountyWater.org



Thank you & Questions?

