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2019 Florida Condominium & Homeowner Association Legislative Update



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2019 Florida Condominium & Homeowner Association Legislative Update

Based on the seemingly low media profile of recently passed legislation pertaining to community associations, many people wrongfully assume the latest session of Florida's legislature will have little or no impact on their community association. To the contrary, although lacking in "name plate" legislation, the following recently passed legislation goes into effect on July 1, 2019 (unless otherwise noted) and will have a meaningful impact on Florida's condominium and homeowner associations:

1. HB 829 - Attorney Fees in Challenges to Local Ordinances.

Thanks to HB 829 it is now easier for your community association to "fight city hall". Attorneys' fees awards are available to prevailing parties in lawsuit brought against a local ordinance that allegedly violates state or Federal preemptions. [Click here for a copy of the new law.](#)

2. HB 1159 - Tree Trimming.

Other than mangrove trees, local governments cannot require a permit for pruning, trimming and removal of vegetation and trees, if the tree or vegetation is certified as presenting a danger by the International Society of Arboriculture. Local governments are also forbidden from requiring the removed trees or vegetation to be replanted. A property owner year-round can request an electric utility maintain vegetation on property adjacent to the electric utility's right-of-way without notice or permission from the local government. This would only apply to situations when it is necessary for power restoration or when the vegetation is threatening to cause a power outage. [Click here for a copy of the new law.](#)

3. SB 82 - Vegetable Garden Preemption.

Local governments are prohibited from regulating vegetable gardens on residential property. This prohibition does not apply to general regulations that are not specific to vegetable gardens, such as



ordinances regulating fertilizer, water use and invasive species. [Click here for a copy of the new law.](#)

4. *SB-1666 - Anchoring & Mooring.*

The legislation directs the Florida Fish & Wildlife Commission to study impacts of long term storage of vessels anchored and moored outside of mooring fields; create “no-discharge zones” for sewage dumping near certain waterbodies near rural areas; require boater safety identification cards for boats 10 horsepower and above; and designate a portion of registration fees collected by counties for the Marine Resources Conservation Trust Fund. [Click here for a copy of the new law.](#)

5. *HB 7103 - Sprinkler Retrofitting.*

Allows condominium associations to continue to vote to waive fire sprinkler system retrofitting requirements until January 1, 2024, at which time local authorities may require a condominium association to retrofit fire sprinkler systems or install an engineered life safety system. [Click here for a copy of the new law.](#)

6. *HB 369 - Sober Homes.*

The bill continues to tighten up sober home standards and address unintended consequences of previously passed legislation. The bill exempts “Oxford Homes” from certification requirements, strengthens patient brokering and deceptive practices statutes, provides for certification and background checks of peer specialists, expands background check requirements for recovery residence administrative personnel and expands violations eligible for exemption, and covers residences that have day/night treatment centers. [Click here for a copy of the new law.](#)

7. *SB- 182 Medical Marijuana.*

If it’s for medical purposes, does it fall under the ADA? If so, does your community association have to allow marijuana smoking where cigarette smoking is permitted? The legislation permits the use of smokable medical marijuana. The bill allows minors to smoke medical marijuana if they



are terminally ill and smoking marijuana is approved by a second physician. Patients are limited to 2.5 ounces every 35 days, unless the Department of Health approves an increase at a patient's request. [Click here for a copy of the new law.](#)

8. *HB-311 Autonomous Vehicles.*

Is your community association "drone and autonomous vehicle ready"? [Click here to obtain our report on how your community association can maximize the inevitable onslaught of drones and autonomous vehicles.](#) The new law requires seeks to have Florida lead the country in autonomous vehicle technology by establishing: minimum insurance thresholds, a prohibition on levying of fines or fees by local entities (with the exception of seaports and airports), minimum driving conditions for the use of any automatic driving systems and on-demand autonomous networks. [Click here for a copy of the new law.](#)

Stay one step ahead of new legislation, recent case law and new developments that impact your community association.

- ▶ Name: _____
- ▶ Mailing address: _____
- ▶ E-mail address: _____
- ▶ Community name: _____
- ▶ Position on board, if any: _____
- ▶ *Fax this completed page to (561) 750-8185 or email the above information to joshua@gerstin.com.*