

HB 1153

2008

1 A bill to be entitled  
2 An act relating to homeowners' associations; amending s.  
3 373.423, F.S.; requiring stormwater management systems,  
4 dams, impoundments, reservoirs, appurtenant works, or  
5 works to be inspected by the water management district or  
6 the Department of Environmental Protection prior to being  
7 dedicated to a homeowners' association; requiring the  
8 permittee and the homeowners' association president to  
9 attend the inspection; providing for compliance;  
10 prohibiting the dedication of certain stormwater  
11 management systems, dams, impoundments, reservoirs,  
12 appurtenant works, or works to a homeowners' association;  
13 amending s. 373.426, F.S.; providing that certain  
14 stormwater management systems, dams, impoundments,  
15 reservoirs, appurtenant works, or works are dedicated to  
16 water management districts until the title of real estate  
17 is established and determined; amending s. 720.304, F.S.;  
18 authorizing the display of certain signs; amending s.  
19 720.307, F.S.; requiring that certain structures are  
20 inspected for compliance prior to relinquishment of  
21 control of an association; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Subsection (4) is added to section 373.423,  
26 Florida Statutes, to read:

27 373.423 Inspection.--

HB 1153

2008

28       (4) Prior to dedication of any stormwater management  
29 system, dam, impoundment, reservoir, appurtenant work, or works  
30 to a homeowners' association, the governing board or the  
31 department shall conduct an inspection for compliance in the  
32 presence of the permittee and the interim or acting president of  
33 the homeowners' association. The governing board or the  
34 department shall order immediate compliance by the permittee for  
35 any noncompliant stormwater management system, dam, impoundment,  
36 reservoir, appurtenant work, or works. The governing board shall  
37 be responsible for compliance of any stormwater management  
38 system, dam, impoundment, reservoir, appurtenant work, or works  
39 constructed or abandoned pursuant s. 373.426(2). A stormwater  
40 management system, dam, impoundment, reservoir, appurtenant  
41 work, or works shall not be dedicated to a homeowners'  
42 association until it has been determined to be in compliance.

43       Section 2. Subsections (2) and (3) of section 373.426,  
44 Florida Statutes, are renumbered as subsections (3) and (4),  
45 respectively, and a new subsection (2) is added to that section  
46 to read:

47       373.426 Abandonment.--

48       (2) Any permitted stormwater management system, dam,  
49 impoundment, reservoir, appurtenant work, or works constructed  
50 or abandoned by an entity that has dissolved or is no longer in  
51 operation that has not been dedicated to a homeowners'  
52 association shall be considered dedicated to the governing board  
53 until the title to real estate is established and determined.

54       Section 3. Subsection (7) is added to section 720.304,  
55 Florida Statutes, to read:

HB 1153

2008

56           720.304 Right of owners to peaceably assemble; display of  
57 flag; SLAPP suits prohibited; access ramps; signs.--

58           (7) Any parcel owner may display a sign of reasonable size  
59 advertising the sale of the parcel within the boundaries of the  
60 parcel.

61           Section 4. Subsection (4) of section 720.307, Florida  
62 Statutes, is renumbered as subsection (5), and new subsection  
63 (4) is added to that section to read:

64           720.307 Transition of association control in a  
65 community.--With respect to homeowners' associations:

66           (4) Prior to relinquishing control of the homeowners'  
67 association, the developer shall ensure that any stormwater  
68 management system, dam, impoundment, reservoir, appurtenant  
69 work, or works are inspected for compliance with s. 373.423(4).  
70 The developer shall be responsible for any corrective measures  
71 required for compliance.

72           Section 5. This act shall take effect July 1, 2008.