

By Senator Bennett

21-02650-08

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1 A bill to be entitled

2 An act relating to homeowners' associations; amending  
3 s. 373.423, F.S.; requiring that stormwater management  
4 systems, dams, impoundments, reservoirs, appurtenant  
5 works, or works be inspected by the water management  
6 district or the Department of Environmental Protection  
7 before being dedicated to a homeowners' association;  
8 requiring that the permittee and the homeowners'  
9 association president attend the inspection;  
10 prohibiting the dedication of certain stormwater  
11 management systems, dams, impoundments, reservoirs,  
12 appurtenant works, or works to a homeowners'  
13 association; requiring that the water management  
14 district or department order immediate compliance by  
15 the permittee for any noncompliant works; providing  
16 responsibilities of the district; amending s. 373.426,  
17 F.S.; providing that certain stormwater management  
18 systems, dams, impoundments, reservoirs, appurtenant  
19 works, or works are dedicated to water management  
20 districts until the applicable title of real estate is  
21 established or determined; amending s. 720.304, F.S.;  
22 providing that any parcel owner may display a sign of  
23 reasonable size in any location on the property  
24 indicating that the property is for sale; providing  
25 that such sign may not interfere with or block access  
26 to any common areas or easements located on or passing  
27 through that property; providing an effective date.

28  
29 Be It Enacted by the Legislature of the State of Florida:

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30  
31 Section 1. Subsection (4) is added to section 373.423,  
32 Florida Statutes, to read:

33 373.423 Inspection.--

34 (4) Before the dedication of any stormwater management  
35 system, dam, impoundment, reservoir, appurtenant work, or works  
36 to a homeowners' association, the executive director of the water  
37 management district or the Department of Environmental Protection  
38 shall conduct an inspection for compliance with applicable laws  
39 and rules in the presence of the permittee and the presiding or  
40 interim president of the homeowners' association. The water  
41 management district or department shall order immediate  
42 compliance by the permittee for any noncompliant stormwater  
43 management system, dam, impoundment, reservoir, appurtenant work,  
44 or works. The district is responsible for compliance of any  
45 stormwater management system, dam, impoundment, reservoir,  
46 appurtenant work, or works constructed or abandoned pursuant s.  
47 373.426(2). A stormwater management system, dam, impoundment,  
48 reservoir, appurtenant work, or works may not be dedicated to a  
49 homeowners' association until it has been determined to be in  
50 compliance with any applicable laws and rules.

51 Section 2. Present subsections (2) and (3) of section  
52 373.426, Florida Statutes, are renumbered as subsections (3) and  
53 (4), respectively, and a new subsection (2) is added to that  
54 section, to read:

55 373.426 Abandonment.--

56 (2) Any permitted stormwater management system, dam  
57 impoundment, reservoir, appurtenant work, or works constructed or  
58 abandoned by an entity that has dissolved or is no longer in

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59 operation and which has not been dedicated to a homeowners'  
60 association shall be considered dedicated to the governing board  
61 until the applicable title to real estate is established or  
62 determined.

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

65 720.304 Right of owners to peaceably assemble; display of  
66 flag; SLAPP suits prohibited.--

67 (7) Any parcel owner may display a sign of reasonable size  
68 in any location on the property indicating that the property is  
69 for sale. Such sign may not interfere with or block access to any  
70 common areas or easements located on or passing through that  
71 property.

72 Section 4. This act shall take effect July 1, 2008.