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April 24, 2025

Via email - srose@lauderdalewest.org

Stephen Rose, President
Lauderdale West Community Association No. 1, Inc.
1141 NW 85 Avenue
Plantation, FL 33322-4624

RE: Lauderdale West Community Association No. 1, Inc. (the "Association")
Our File No. 12933.000

Dear Mr. Rose,

You have asked us for our opinion as to who is responsible for the costs associated with the repair of a water line that was damaged by roots from a tree owned by the Association.

Water lines and other utilities that service only one unit are typically defined as being an extension and part of the unit even if located on the common area or on another person's property. See, e.g., §718.108, Florida Statutes. The owner would have an easement over the Association's common area to access the water line.

Florida is considered a naturally vegetative state. That means under current law a land owner legally is not liable to persons outside the land for damages, nuisance or trespass resulting from trees and other natural vegetation growing on the land. An adjacent property owner to such a vegetation, however, is privileged to trim back, at the adjacent owner's own expense, any encroaching tree roots or branches and other vegetation which has grown onto his property. *Balzer v. Ryan*, 263 So.3d 189 (Fla. 1st DCA 2018); *Scott v. McCarty*, 41 So.3d 989 (Fla. 4th DCA 2010); *Gallo v. Heller*, 512 So. 2d 215, 216 (Fla. 3d DCA 1987).

Because the owner could have trimmed back the roots of the Association tree away from the water line, the Association is currently not liable for a root damage done to a homeowner's water line by an Association owned tree.

Sincerely,

FRANK WEINBERG & BLACK, PL



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