



669008

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/27/2008	.	
	.	
	.	

1 The Committee on Agriculture (Diaz de la Portilla) recommended  
 2 the following **amendment**:

**Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

8 Section 1. Chapter 598, Florida Statutes, consisting of  
 9 sections 598.001, 598.002, 598.003, 598.004, 598.005, 598.006,  
 10 598.007, 598.008, 598.009, and 598.011, is created to read:

11 CHAPTER 598

12 ARBORICULTURE

13 598.001 Short title.--This chapter may be cited as the  
14 "Florida Arborist Licensing Law."

15 598.002 Purpose.--It is declared to be the public policy of  
16 this state that, in order to safeguard life, health, and  
17 property, the mitigation of property insurance, the cleanup of

Bill No. SB 2286



669008

18 damage from hurricanes, tropical storms, and other severe storm  
19 events, and the well-being of the public, any person practicing  
20 or offering to practice arboriculture in this state as a licensed  
21 arborist must meet the requirements of this chapter.

22 598.003 Definitions.--As used in this chapter:

23 (1) "Arboriculture" or "arboriculture services" means:

24 (a) Any tree service, including, but not limited to,  
25 written or oral reports, recommendations, opinions, or  
26 consultations done for compensation relating to the improvement  
27 of the condition of shade, ornamental, palm, or fruit trees by  
28 fertilizing, pruning, trimming, bracing, or other methods of  
29 improving, diagnosing, or protecting such trees from tree pests,  
30 excluding activities regulated under chapter 482 and the  
31 activities of a nursery as defined in s. 581.011(20) and (22),  
32 diagnosing or protecting such trees from tree diseases and  
33 abiotic agents, or curing or repairing any damage to such trees,  
34 including, but not limited to, pruning, removal, preservation,  
35 repair, cabling and bracing, lightning protection, root pruning,  
36 root excavation, tree assessments, tree maintenance and care,  
37 trimming, cutting, sawing, or removal of trees that have been  
38 damaged to such an extent as to cause or threaten injury to life  
39 or property.

40 (b) A service performed in connection with post-storm  
41 cleanup of damage from hurricanes, tropical storms, and other  
42 storm events involving substantial work hours. A post-storm  
43 cleanup service includes, but is not limited to, storm damage  
44 resulting in downed, damaged, or uprooted trees or parts of trees  
45 of substantial size and weight in excess of 50 pounds that  
46 threaten the structural integrity of residential or commercial  
47 structures, involve any type of power lines, impede traffic on



669008

48 streets, driveways, and other vehicular access roads, require  
49 extensive use of compression or chain saws, or involve any  
50 related skilled service.

51  
52 Landscape architects licensed under part II of chapter 481 are  
53 authorized to practice arboriculture. However, as provided in s.  
54 598.006(4), only persons licensed under this chapter may hold  
55 themselves out as state licensed arborists.

56 (2) "Arborist of record" means a Florida-licensed arborist  
57 who is in good standing and employed by or contracting with a  
58 firm, corporation, partnership, employer, or person and who  
59 supervises employees providing arboriculture services and issues  
60 authorization cards to persons performing services under his or  
61 her supervision.

62 (3) "Department" means the Department of Agriculture and  
63 Consumer Services.

64 (4) "Landscape tree maintenance" means maintenance  
65 performed when standing on the ground or on trees less than 4  
66 inches in diameter at breast height as defined by the most  
67 current edition of the Guide to Plant Appraisal.

68 (5) "Licensed arborist" means a person who has fulfilled  
69 the International Society of Arboriculture requirements for  
70 arborist certification or for certification as a Board Certified  
71 Master Arborist, whose certification is current, and who meets  
72 the requirements of s. 598.006.

73 (6) "Person" means a person as defined in s. 1.01(3).

74 (7) "Practice of arboriculture" means the performance of,  
75 or the offer to perform, an arboriculture service, including, but  
76 not limited to, a written or oral report, consultation,  
77 investigation, evaluation, or planning relating to arboriculture,

Bill No. SB 2286



669008

78 excluding landscape tree maintenance, as defined in this section,  
79 or as otherwise excluded by this chapter. A person engages in the  
80 practice of arboriculture if she or he:

81 (a) By verbal claim, sign, advertisement, letterhead, card,  
82 or any other means represents herself or himself to be an  
83 arborist;

84 (b) Through the use of some title implies that she or he is  
85 an arborist licensed under this chapter; or

86 (c) Holds herself or himself out as able to perform or does  
87 perform any arboriculture services or work recognized as services  
88 or work performed by an arborist.

89 598.004 Powers and duties of the Department of Agriculture  
90 and Consumer Services; rulemaking.--The department shall have all  
91 powers and duties necessary to administer the provisions of this  
92 chapter, including, but not limited to, the authority to adopt  
93 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
94 following:

95 (1) Organizational and operational guidance regarding the  
96 practice of arboriculture, arborists of record, and the  
97 requirements of the law regarding licensed arborists.

98 (2) A process for licensure, including, but not limited to,  
99 requirements and procedures for licensure, insurance requirements  
100 and standards of the International Society of Arboriculture for  
101 licensed arborists, authorization cards, annual license renewal,  
102 language relating to licensure which may be used by licensed  
103 arborists for public information, duplicate licenses, lost,  
104 destroyed, or mutilated licenses, and inactive and reactivated  
105 licenses.

106 (3) The setting of fees for licensure and annual renewal  
107 and other license fees as provided in s. 598.005.



669008

108 (4) The provision of a roster of licensed arborists.

109 598.005 Fees.--

110 (1) The department shall, by rule, set fees as provided in  
111 this section. The amount of such fees may not exceed the cost of  
112 the implementing, reviewing, or administrative processing of the  
113 particular activity or process. Such fees shall be set according  
114 to the following schedule:

115 (a) A nonrefundable licensure application fee not to exceed  
116 \$300.

117 (b) An annual renewal fee not to exceed \$300.

118 (c) A fee for reactivation of an inactive license not to  
119 exceed \$100.

120 (2) Fees collected pursuant to this chapter shall be  
121 deposited into the Incidental Trust Fund of the Division of  
122 Forestry of the department and shall be used to defray expenses  
123 incurred in the administration of this chapter.

124 598.006 Licensure procedures and requirements; issuance of  
125 licenses.--

126 (1) Each applicant for licensure shall:

127 (a) Submit an application for licensure, together with the  
128 nonrefundable fee to the department, which has been reviewed by  
129 the board of directors of the International Society of  
130 Arboriculture, Inc., Florida Chapter, for completeness and  
131 compliance with this section;

132 (b) Furnish proof that she or he is at least 18 years of  
133 age;

134 (c) Disclose any act or offense, or investigation of such  
135 alleged act or offense, in any jurisdiction, related to the  
136 applicant's ability to practice arboriculture;



669008

137       (d) Submit evidence of current certification by the  
138 International Society of Arboriculture as a Certified Arborist or  
139 as a Board Certified Master Arborist;

140       (e) Provide proof of liability, required workers'  
141 compensation, and errors and omissions insurance. However,  
142 applicants employed by a statutorily recognized governmental  
143 entity are not required to carry errors and omissions insurance  
144 or liability insurance if the entity is self-insured. Within 30  
145 days after the date on which the person's employment with the  
146 governmental entity is terminated, the person shall comply fully  
147 with the requirements of this subsection; and

148       (f) Submit a signed statement that the applicant will  
149 comply with current industry standards, including, but not  
150 limited to, ANSI Z-133-1 and A-300 series and any other related  
151 standards of the International Society of Arboriculture and best-  
152 management practices adopted by rule by the department.

153       (2) The department may not issue a license to any applicant  
154 who has committed an act or offense or who is under investigation  
155 pending its outcome in any jurisdiction for an offense related to  
156 his or her ability to practice arboriculture. This subsection  
157 applies only if the department has knowledge of such act,  
158 offense, or investigation.

159       (3) The department shall suspend or revoke the license of  
160 any person licensed under this section who fails to maintain  
161 compliance with subsection (1).

162       (4) A person may not hold herself or himself out as a  
163 arborist who is licensed in Florida unless such person has been  
164 issued a license under this chapter.

165       (5) All final arboriculture papers or documents involving  
166 the practice of the profession of arboriculture under the



669008

167 supervision of a Florida-licensed arborist of record which have  
168 been prepared or approved for use by a firm, corporation,  
169 partnership, or person for delivery to any person for public  
170 record within this state shall be dated and bear the signature  
171 and seal of the Florida-licensed arborist of record who prepared,  
172 supervised, or approved the documents and who was responsible for  
173 the supervision of persons performing arboricultural services.

174 598.007 Renewal of licenses; notice of address of primary  
175 place of business.--

176 (1) The department shall renew a license upon receipt of  
177 satisfactory evidence that the applicant's International Society  
178 of Arboriculture certification is current and that the applicant  
179 is otherwise in compliance with this chapter and department  
180 rules.

181 (2) A licensed arborist must have on file with the  
182 department the address of her or his primary place of practice.  
183 Within 30 days after changing the address of her or his primary  
184 place of practice, the licensed arborist must notify the  
185 department of the address of the new primary place of practice.

186 598.008 Inactive licenses; reactivated licenses; suspended  
187 or revoked licenses.--A licensed arborist whose license has  
188 become inactive, suspended, or revoked shall have her or his  
189 license reactivated only upon written request to the department  
190 and approval by the department to reactivate the license.

191 598.009 Lost, destroyed, stolen, or mutilated licenses.--A  
192 duplicate license for a licensed arborist may be issued to  
193 replace a license that has been lost, destroyed, stolen, or  
194 mutilated, subject to rules of the department. Licenses issued  
195 under this section shall be marked with the word "DUPLICATE."



669008

196       598.011 Roster of licensed arborists.--The department shall  
 197 maintain a roster showing the names and places of business of all  
 198 licensed arborists in this state, based on requests for  
 199 licensure.

200       Section 2. The sum of \$72,280 is appropriated from the  
 201 Incidental Trust Fund to the Department of Agriculture and  
 202 Consumer Services and one position and associated rate and  
 203 expenses are authorized in order to carry out the provisions of  
 204 this act.

205       Section 3. This act shall take effect July 1, 2008.

207 ===== T I T L E   A M E N D M E N T =====

208 And the title is amended as follows:

209       Delete everything before the enacting clause  
 210 and insert:

211                   A bill to be entitled  
 212       An act relating to arboriculture; creating ch. 598, F.S.;  
 213       providing a short title; providing a statement of purpose;  
 214       providing definitions; providing powers and duties of the  
 215       Department of Agriculture and Consumer Services;  
 216       authorizing the department to adopt rules; establishing a  
 217       fee schedule for licensure as an arborist; providing for  
 218       the deposit and use of fee proceeds; establishing  
 219       licensure procedures and requirements to practice  
 220       arboriculture and provide arboriculture services;  
 221       providing for the issuance of a license; providing for  
 222       license renewal; providing for the reactivation of a  
 223       license under certain conditions; providing for the  
 224       issuance of a duplicate license under certain  
 225       circumstances; requiring that the department maintain a





669008

226 | roster of licensed arborists; providing an appropriation;  
227 | providing an effective date.