

By Senator Dean

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1 A bill to be entitled

2 An act relating to arboriculture; creating ch. 598, F.S.;

3 providing a short title; providing a purpose statement;

4 providing definitions; providing powers and duties of the

5 Department of Agriculture and Consumer Services; providing

6 rulemaking authority; establishing a fee schedule for

7 licensure; providing for deposit and use of fee proceeds;

8 establishing licensure procedures and requirements to

9 practice arboriculture and provide arboriculture services;

10 providing for issuance of a license; providing for license

11 renewal; providing for reactivation of a license under

12 certain conditions; providing for issuance of a duplicate

13 license under certain circumstances; requiring a roster of

14 licensed arborists; providing an appropriation; providing

15 an effective date.

16

17 Be It Enacted by the Legislature of the State of Florida:

18

19 Section 1. Chapter 598, Florida Statutes, consisting of

20 sections 598.001, 598.002, 598.003, 598.004, 598.005, 598.006,

21 598.007, 598.008, 598.009, and 598.011, is created to read:

22 CHAPTER 598

23 ARBORICULTURE

24 598.001 Short title.--This chapter may be cited as the

25 "Florida Arborist Licensing Law."

26 598.002 Purpose.--It is declared to be the public policy of

27 the state that, in order to safeguard life, health, and property;

28 the mitigation of property insurance; the cleanup of damage from

29 hurricanes, tropical storms, and other severe storm events; and

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30 the public well-being of its citizens, any person practicing or
31 offering to practice arboriculture in this state as a licensed
32 arborist shall meet the requirements of this chapter.

33 598.003 Definitions.--As used in this chapter:

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

35 (a) Any service, including, but not limited to, a written
36 or oral report, a recommendation, an opinion, or a consultation
37 done for compensation relating to the improvement of the
38 condition of shade, ornamental, palm, or fruit trees by
39 fertilizing, pruning, trimming, bracing, or other methods of
40 improving, diagnosing, or protecting such trees from tree pests,
41 excluding activities regulated under chapter 482, or diagnosing
42 or protecting such trees from tree diseases and abiotic agents,
43 or curing or repairing any damage to such trees, including, but
44 not limited to, pruning, removal, preservation, repair, cabling
45 and bracing, lightning protection, root pruning, root excavation,
46 tree assessments, tree maintenance and care, trimming, cutting,
47 sawing, or removal of trees that have been damaged to such an
48 extent as to cause or threaten injury to life or property.

49 (b) A service performed in connection with post-storm
50 cleanup of damage from hurricanes, tropical storms, and other
51 storm events that involves substantial work hours. A post-storm
52 cleanup service includes, but is not limited to, storm damage
53 resulting in downed, damaged, or uprooted trees, or parts of
54 trees, of substantial size and weight in excess of 50 pounds that
55 threaten the structural integrity of residential or commercial
56 structures; involve any type of power lines; impede traffic on
57 streets, driveways, and other vehicular access roads; require
58 extensive use of compression or chain saws; and involve any

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59 related skilled service.

60 (2) "Department" means the Department of Agriculture and
61 Consumer Services.

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

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

71 (5) "Person" means a person as defined in s. 1.01(3).

72 (6) "Practice of arboriculture" means the performance of,
73 or offer to perform, an arboriculture service, including, but not
74 limited to, a written or oral report, consultation,
75 investigation, evaluation, or planning, relating to
76 arboriculture, except as specifically exempted by this chapter. A
77 person shall be construed to be engaged in the practice of
78 arboriculture if she or he:

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

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

84 (c) Holds herself or himself out as able to perform or does
85 perform any arboriculture services or work recognized as an
86 arborist.

87 598.004 Powers and duties of the Department of Agriculture

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

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

96 (2) Licensure process, including, but not limited to,
97 requirements and procedures for licensure, insurance requirements
98 and standards of the International Society of Arboriculture for
99 licensed arborists, annual license renewal, language relating to
100 licensure that may be used by licensed arborists for public
101 information, duplicate licenses, and inactive and reactivated
102 licenses.

103 (3) Setting of fees for licensure and annual renewal and
104 other license fees as provided in s. 598.005.

105 (4) Provision of a roster of licensed arborists.

106 598.005 Fees.--

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

112 (a) A nonrefundable licensure fee not to exceed \$300.

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

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

116 (2) Fees collected under this chapter shall be deposited

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117 into the Incidental Trust Fund of the Division of Forestry of the
118 department and shall be used to defray expenses in the
119 administration of this chapter.

120 598.006 Licensure procedures and requirements; issuance of
121 licenses.--

122 (1) Each applicant for licensure shall:

123 (a) Submit a written request for licensure and remit the
124 nonrefundable fee;

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

127 (c) Disclose any act or offense or investigation of such
128 act or offense in any jurisdiction related to the applicant's
129 ability to practice arboriculture;

130 (d) Submit evidence of current certification by the
131 International Society of Arboriculture as a Certified Arborist or
132 as a Board Certified Master Arborist;

133 (e) Provide proof of liability, workers' compensation, and
134 errors and omissions insurance; and

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

140 (2) The department, if it has knowledge, shall not issue a
141 license to any applicant who is under investigation in any
142 jurisdiction for an offense related to the practice of
143 arboriculture.

144 (3) Any person licensed under this section who fails to
145 maintain compliance with subsection (1) shall have her or his

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146 license suspended or revoked by the department.

147 (4) A person may not hold herself or himself out as a
148 licensed Florida arborist unless the person has been issued a
149 license pursuant to this chapter.

150 598.007 Renewal of licenses; notice of address of primary
151 place of business.--

152 (1) The department shall renew a license upon receipt of
153 satisfactory evidence that the applicant's International Society
154 of Arboriculture certification is current and that the applicant
155 is otherwise in compliance with this chapter and department
156 rules.

157 (2) The licensed arborist must have on file with the
158 department the address of her or his primary place of practice.
159 Within 30 days after changing the address of her or his primary
160 place of practice, the licensed arborist must notify the
161 department of the address of the new primary place of practice.

162 598.008 Inactive licenses; reactivated licenses; suspended
163 or revoked licenses.--A licensed arborist whose license has
164 become inactive, suspended, or revoked shall have her or his
165 license reactivated only upon written request to the department
166 and approval by the department to reactivate the license.

167 598.009 Lost, destroyed, stolen, or mutilated licenses.--A
168 duplicate license for a licensed arborist may be issued to
169 replace a license that has been lost, destroyed, stolen, or
170 mutilated, subject to rules of the department. Licenses issued
171 under this section shall be marked with the word "DUPLICATE."

172 598.011 Roster of licensed arborists.--The department shall
173 maintain a roster showing the names and places of business of all
174 licensed arborists in the state, based on requests for licensure.

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175 Section 2. The sum of \$200,000 is appropriated from the
176 Incidental Trust Fund of the Division of Forestry of the
177 Department of Agriculture and Consumer Services to the Department
178 of Agriculture and Consumer Services for the purpose of carrying
179 out the provisions of this act.

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