

By the Committees on Military Affairs and Domestic Security;  
Agriculture; and Senator Dean

583-06948-08

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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 statement of purpose;

4 providing definitions; providing powers and duties of the

5 Department of Agriculture and Consumer Services;

6 authorizing the department to adopt rules; establishing a

7 fee schedule for licensure as an arborist; providing for

8 the deposit and use of fee proceeds; establishing

9 licensure procedures and requirements to practice

10 arboriculture and provide arboriculture services;

11 providing for the issuance of a license; providing for

12 license renewal; providing for the reactivation of a

13 license under certain conditions; providing for the

14 issuance of a duplicate license under certain

15 circumstances; requiring that the department maintain a

16 roster of licensed arborists; providing an appropriation

17 and authorizing an additional position; providing an

18 effective date.

19

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

21

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

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

24 598.007, 598.008, 598.009, and 598.011, is created to read:

25 CHAPTER 598

26 ARBORICULTURE

27 598.001 Short title.--This chapter may be cited as the

28 "Florida Arborist Licensing Law."

29 598.002 Purpose.--It is declared to be the public policy of

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30 this state that, in order to safeguard life, health, and property  
31 and provide for the mitigation of property insurance, the cleanup  
32 of damage from hurricanes, tropical storms, and other severe  
33 storm events, and the well-being of the public, any person  
34 practicing or offering to practice arboriculture in this state as  
35 a licensed arborist must meet the requirements of this chapter.

36 598.003 Definitions.--As used in this chapter:

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

38 (a) Any tree service, including, but not limited to,  
39 written or oral reports, recommendations, opinions, or  
40 consultations done for compensation relating to the improvement  
41 of the condition of shade, ornamental, palm, or fruit trees by  
42 fertilizing, pruning, trimming, bracing, or other methods of  
43 improving, diagnosing, or protecting such trees from tree pests,  
44 excluding activities regulated under chapter 482 and the  
45 activities of a nursery as defined in s. 581.011(20) and (22);  
46 diagnosing or protecting such trees from tree diseases and  
47 abiotic agents; or curing or repairing any damage to such trees,  
48 including, but not limited to, pruning, removal, preservation,  
49 repair, cabling and bracing, lightning protection, root pruning,  
50 root excavation, tree assessments, tree maintenance and care,  
51 trimming, cutting, sawing, or removal of trees that have been  
52 damaged to such an extent as to cause or threaten injury to life  
53 or property.

54 (b) A service performed in connection with post-storm  
55 cleanup of damage from hurricanes, tropical storms, and other  
56 storm events involving substantial work hours. A post-storm  
57 cleanup service includes, but is not limited to, storm damage  
58 resulting in downed, damaged, or uprooted trees or parts of trees

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59 of substantial size and weight in excess of 50 pounds which  
60 threaten the structural integrity of residential or commercial  
61 structures, involve any type of power lines, impede traffic on  
62 streets, driveways, and other vehicular access roads, require  
63 extensive use of compression or chain saws, or involve any  
64 related skilled service.

65  
66 Landscape architects licensed under part II of chapter 481 are  
67 authorized to practice arboriculture. However, as provided in s.  
68 598.006(4), only persons licensed under this chapter may hold  
69 themselves out as state licensed arborists.

70 (2) "Arborist of record" means a Florida-licensed arborist  
71 who is in good standing and employed by or contracting with a  
72 firm, corporation, partnership, employer, or person and who  
73 supervises employees providing arboriculture services and issues  
74 authorization cards to persons performing services under his or  
75 her supervision.

76 (3) "Department" means the Department of Agriculture and  
77 Consumer Services.

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

82 (5) "Licensed arborist" means a person who has fulfilled  
83 the International Society of Arboriculture requirements for  
84 arborist certification or for certification as a Board Certified  
85 Master Arborist, whose certification is current, and who meets  
86 the requirements of s. 598.006.

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

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88       (7) "Practice of arboriculture" means the performance of,  
89 or the offer to perform, an arboriculture service, including, but  
90 not limited to, a written or oral report, consultation,  
91 investigation, evaluation, or planning relating to arboriculture,  
92 excluding landscape tree maintenance, as defined in this section,  
93 or as otherwise excluded by this chapter. A person engages in the  
94 practice of arboriculture if she or he:

95       (a) By verbal claim, sign, advertisement, letterhead, card,  
96 or any other means represents herself or himself to be an  
97 arborist;

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

100       (c) Holds herself or himself out as able to perform or does  
101 perform any arboriculture services or work recognized as services  
102 or work performed by an arborist.

103       598.004 Powers and duties of the Department of Agriculture  
104 and Consumer Services; rulemaking.--The department shall have all  
105 powers and duties necessary to administer the provisions of this  
106 chapter, including, but not limited to, the authority to adopt  
107 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
108 following:

109       (1) Organizational and operational guidance regarding the  
110 practice of arboriculture, arborists of record, and the  
111 requirements of the law regarding licensed arborists.

112       (2) A process for licensure, including, but not limited to,  
113 requirements and procedures for licensure, insurance requirements  
114 and standards of the International Society of Arboriculture for  
115 licensed arborists, authorization cards, annual license renewal,  
116 language relating to licensure which may be used by licensed

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117 arborists for public information, duplicate licenses, lost,  
118 destroyed, or mutilated licenses, and inactive and reactivated  
119 licenses.

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

122 (4) The provision of a roster of licensed arborists.  
123 598.005 Fees.--

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

129 (a) A nonrefundable licensure application fee not to exceed  
130 \$300.

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

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

134 (2) Fees collected pursuant to this chapter shall be  
135 deposited into the Incidental Trust Fund of the Division of  
136 Forestry of the department and shall be used to defray expenses  
137 incurred in the administration of this chapter.

138 598.006 Licensure procedures and requirements; issuance of  
139 licenses.--

140 (1) Each applicant for licensure shall:

141 (a) Submit an application for licensure, together with the  
142 nonrefundable fee to the department, which has been reviewed by  
143 the board of directors of the International Society of  
144 Arboriculture, Inc., Florida Chapter, for completeness and  
145 compliance with this section;

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

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

151 (d) Submit evidence of current certification by the  
152 International Society of Arboriculture as a Certified Arborist or  
153 as a Board Certified Master Arborist;

154 (e) Provide proof of liability, required workers'  
155 compensation, and errors and omissions insurance. However,  
156 applicants employed by a statutorily recognized governmental  
157 entity are not required to carry errors and omissions insurance  
158 or liability insurance if the entity is self-insured. Within 30  
159 days after the date on which the person's employment with the  
160 governmental entity is terminated, the person shall comply fully  
161 with the requirements of this subsection; and

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

167 (2) The department may not issue a license to any applicant  
168 who has committed an act or offense or who is under investigation  
169 pending its outcome in any jurisdiction for an offense related to  
170 his or her ability to practice arboriculture. This subsection  
171 applies only if the department has knowledge of such act,  
172 offense, or investigation.

173 (3) The department shall suspend or revoke the license of  
174 any person licensed under this section who fails to maintain

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175 compliance with subsection (1).

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

179 (5) All final arboriculture papers or documents involving  
180 the practice of the profession of arboriculture under the  
181 supervision of a Florida-licensed arborist of record which have  
182 been prepared or approved for use by a firm, corporation,  
183 partnership, or person for delivery to any person for public  
184 record within this state shall be dated and bear the signature  
185 and seal of the Florida-licensed arborist of record who prepared,  
186 supervised, or approved the documents and who was responsible for  
187 the supervision of persons performing arboricultural services.

188 598.007 Renewal of licenses; notice of address of primary  
189 place of business.--

190 (1) The department shall renew a license upon receipt of  
191 satisfactory evidence that the applicant's International Society  
192 of Arboriculture certification is current and that the applicant  
193 is otherwise in compliance with this chapter and department  
194 rules.

195 (2) A licensed arborist must have on file with the  
196 department the address of her or his primary place of practice.  
197 Within 30 days after changing the address of her or his primary  
198 place of practice, the licensed arborist must notify the  
199 department of the address of the new primary place of practice.

200 598.008 Inactive licenses; reactivated licenses; suspended  
201 or revoked licenses.--A licensed arborist whose license has  
202 become inactive, suspended, or revoked shall have her or his  
203 license reactivated only upon written request to the department

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204 and approval by the department to reactivate the license.

205 598.009 Lost, destroyed, stolen, or mutilated licenses.--A  
206 duplicate license for a licensed arborist may be issued to  
207 replace a license that has been lost, destroyed, stolen, or  
208 mutilated, subject to rules of the department. Licenses issued  
209 under this section shall be marked with the word "DUPLICATE."

210 598.011 Roster of licensed arborists.--The department shall  
211 maintain a roster showing the names and places of business of all  
212 licensed arborists in this state, based on requests for  
213 licensure.

214 Section 2. The sum of \$71,424 is appropriated from the  
215 Incidental Trust Fund to the Department of Agriculture and  
216 Consumer Services and one position and associated rate and  
217 expenses are authorized in order to carry out the provisions of  
218 this act.

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