

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:

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 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
 27 of the state that, in order to safeguard life, health, and
 28 property; the mitigation of property insurance; the cleanup of

29 damage from hurricanes, tropical storms, and other severe storm
30 events; and the public well-being of its citizens, any person
31 practicing or offering to practice arboriculture in this state
32 as a licensed arborist shall meet the requirements of this
33 chapter.

34 598.003 Definitions.--As used in this chapter:

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

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

51 (b) A service performed in connection with post-storm
52 cleanup of damage from hurricanes, tropical storms, and other
53 storm events that involves substantial work hours. A post-storm
54 cleanup service includes, but is not limited to, storm damage
55 resulting in downed, damaged, or uprooted trees, or parts of
56 trees, of substantial size and weight in excess of 50 pounds

57 that threaten the structural integrity of residential or
58 commercial structures; involve any type of power lines; impede
59 traffic on streets, driveways, and other vehicular access roads;
60 require extensive use of compression or chain saws; and involve
61 any related skilled service.

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

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

68 (4) "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 (5) "Person" means a person as defined in s. 1.01(3).

74 (6) "Practice of arboriculture" means the performance of,
75 or 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
78 arboriculture, except as specifically exempted by this chapter.
79 A person shall be construed to be engaged in the practice of
80 arboriculture if she or he:

81 (a) By verbal claim, sign, advertisement, letterhead,
82 card, 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

85 is an arborist licensed under this chapter; or

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

89 598.004 Powers and duties of the Department of Agriculture
 90 and Consumer Services; rulemaking.--The department shall have
 91 all powers and duties necessary to implement the provisions of
 92 this chapter, including, but not limited to, the authority to
 93 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
 94 the 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) Licensure process, including, but not limited to,
 99 requirements and procedures for licensure, insurance
 100 requirements and standards of the International Society of
 101 Arboriculture for licensed arborists, annual license renewal,
 102 language relating to licensure that may be used by licensed
 103 arborists for public information, duplicate licenses, and
 104 inactive and reactivated licenses.

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

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

108 598.005 Fees.--

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

113 according to the following schedule:

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

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

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

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

122 598.006 Licensure procedures and requirements; issuance of
 123 licenses.--

124 (1) Each applicant for licensure shall:

125 (a) Submit a written request for licensure and remit the
 126 nonrefundable fee;

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

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

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

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

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

141 management practices adopted by rule by the department.

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

146 (3) Any person licensed under this section who fails to
 147 maintain compliance with subsection (1) shall have her or his
 148 license suspended or revoked by the department.

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

152 598.007 Renewal of licenses; notice of address of primary
 153 place of business.--

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

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

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

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

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

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

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