

By Senator Albritton

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1                   A bill to be entitled  
2       An act relating to private property rights; creating  
3       s. 163.3214, F.S.; prohibiting certain local  
4       government ordinances or regulations from requiring a  
5       permit, application, notice, fee, or fine for certain  
6       activities regarding trees on residential property;  
7       prohibiting a local government from requiring a  
8       property owner to replant a tree under certain  
9       circumstances; creating s. 715.015, F.S.; establishing  
10      a property owner bill of rights; requiring county  
11      property appraisers to provide information regarding  
12      the property owner bill of rights on the appraiser's  
13      website; providing that such bill of rights does not  
14      provide a cause of action; providing an effective  
15      date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19       Section 1. Section 163.3214, Florida Statutes, is created  
20 to read:

21       163.3214 Tree pruning, trimming, or removal on residential  
22 property.-

23       (1) A local government may not enforce an ordinance or  
24 regulation governing the pruning, trimming, or removal of trees  
25 on residential property which requires a permit, an application,  
26 the provision of notice, a fee, or a fine when either of the  
27 following applies:

28       (a) The residential property is in a county that is subject  
29 to a tropical storm watch or warning or a hurricane watch or

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30 warning or is experiencing a tropical storm, a hurricane, or a  
 31 declared state of emergency, and the property owner has  
 32 determined that a tree on his or her property is damaged,  
 33 diseased, or pest-infested, or presents a danger to others or  
 34 property.

35 (b) The property owner has obtained from an arborist who is  
 36 certified by a certification program of the International  
 37 Society of Arboriculture proof that the tree is damaged,  
 38 diseased, or pest-infested, or presents a danger to others or  
 39 property.

40 (2) A local government may not require a property owner to  
 41 replant a tree that has been removed in accordance with this  
 42 section.

43 Section 2. Section 715.015, Florida Statutes, is created to  
 44 read:

45 715.015 Property owner bill of rights.—Each property  
 46 appraiser office shall provide on its website a property owner  
 47 bill of rights. The purpose of the bill of rights is to identify  
 48 certain existing rights afforded to property owners. The bill of  
 49 rights is not a comprehensive listing. The property owner bill  
 50 of rights does not create a civil cause of action. The property  
 51 owner bill of rights must state:

52  
 53 PROPERTY OWNER

54 BILL OF RIGHTS

55 This Bill of Rights does not represent all of  
 56 your rights under Florida law regarding your property  
 57 and should not be viewed as a comprehensive guide to  
 58 property rights. This document does not create a civil

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59 cause of action and neither expands nor limits any  
60 rights or remedies provided under any other law. This  
61 document is not intended to replace the need to seek  
62 legal advice in matters relating to property law. Laws  
63 relating to your rights are found in the Florida  
64 Constitution, the Florida Statutes, local ordinances,  
65 and court decisions.

66

67 As a property owner, you have the following  
68 rights and protections:

69 1. The right to acquire, possess, and protect  
70 property.

71 2. The right to use and enjoyment of property.

72 3. The right to exclude others from property.

73 4. The right to dispose of property.

74 5. The right to due process.

75 6. The right to just compensation for property  
76 taken for a public purpose.

77 7. The right to relief, or payment of  
78 compensation, when a new law, rule, regulation, or  
79 ordinance of the state or a political entity in the  
80 state unfairly affects real property.

81 Section 3. This act shall take effect July 1, 2019.