

By Senator Ausley

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1                   A bill to be entitled  
2           An act relating to licensure for tree care services;  
3           providing directives to the Division of Law Revision;  
4           creating s. 468.851, F.S.; providing a short title;  
5           creating s. 468.8511, F.S.; providing legislative  
6           findings and intent; creating s. 468.8512, F.S.;  
7           exempting certain individuals, entities, and  
8           activities from certain requirements; creating s.  
9           468.8513, F.S.; defining terms; creating s. 468.8514,  
10          F.S.; establishing the Florida Board of Tree Experts  
11          within the Department of Agriculture and Consumer  
12          Services; providing for the membership, appointment,  
13          and duties of the board; creating s. 468.8515, F.S.;  
14          requiring the board to develop or designate a  
15          licensure examination for licensed Florida arborists;  
16          providing for the administration of the examination;  
17          authorizing an applicant to retake the exam, as  
18          necessary, after a specified timeframe; creating s.  
19          468.8516, F.S.; providing requirements for licensure  
20          as a licensed Florida arborist and a licensed tree  
21          care practitioner; authorizing certain individuals  
22          licensed by the International Society of Arboriculture  
23          to receive a Florida license within a specified  
24          timeframe after the initial adoption of rules by the  
25          board; requiring the board to renew licenses  
26          biennially; providing a process for license renewal;  
27          creating s. 468.8517, F.S.; providing requirements for  
28          licensure applications; prohibiting the board from  
29          issuing licenses in the name of certain business

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30 organizations; requiring the board to maintain certain  
31 records regarding licensure applicants and licensees;  
32 authorizing the board to issue licenses to out-of-  
33 state individuals who have a substantially equivalent  
34 license or certification; providing that the board's  
35 decision on an applicant's qualifications for  
36 examination constitutes final agency action; creating  
37 s. 468.8518, F.S.; requiring licensees to meet certain  
38 continuing education requirements; authorizing the  
39 board to waive the requirements for good cause;  
40 requiring the board to accept certain education  
41 courses for continuing education credit; creating s.  
42 468.8519, F.S.; requiring licensees to comply with  
43 applicable laws and rules and to protect the safety,  
44 health, property, and welfare of the public;  
45 prohibiting individuals from presenting themselves as  
46 licensees or using a license designation without being  
47 so licensed by the board; creating s. 468.852, F.S.;  
48 providing grounds for the board to suspend, revoke, or  
49 refuse to issue or renew a license or admit a person  
50 to a licensing examination; requiring notice and a  
51 hearing before the board takes any such action;  
52 requiring the board to provide such notice at least a  
53 specified number of days before the hearing and to  
54 render its judgment within a specified number of days  
55 after the hearing; providing fines for a first  
56 violation and graduated fines for a second and  
57 subsequent violation; providing that each day a  
58 violation continues constitutes an additional,

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59 separate, and distinct offense; creating s. 468.8521,  
60 F.S.; requiring a business engaged in tree care  
61 services to biennially register with the board by  
62 providing the board with certain information;  
63 requiring each tree care business to provide specified  
64 instruction and training for its employees after rules  
65 are adopted by the board; creating s. 468.8522, F.S.;  
66 providing grounds for the board to suspend or revoke a  
67 business's registration; requiring notice and a  
68 hearing before the board takes any such action;  
69 requiring the board to provide such notice at least a  
70 specified number of days before the hearing and to  
71 render its judgment within a specified number of days  
72 after the hearing; creating s. 468.8523, F.S.;  
73 requiring licensees and businesses to cooperate with  
74 any department or board investigation; providing for a  
75 court proceeding for a violation; authorizing the  
76 board or department to require certain individuals to  
77 provide a written statement under oath under certain  
78 circumstances; creating s. 468.8524, F.S.; authorizing  
79 individuals to appeal an order or a finding by the  
80 board or Commissioner of Agriculture; creating s.  
81 468.8525, F.S.; authorizing the commissioner or his or  
82 her designee to temporarily waive licensure  
83 requirements if a state of emergency has been declared  
84 in response to a hurricane, tropical storm, or other  
85 act of God; providing an effective date.

86  
87 Be It Enacted by the Legislature of the State of Florida:

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89 Section 1. The Division of Law Revision is directed to:

90 (1) Create part XVII of chapter 468, consisting of ss.  
91 468.851-468.8525, Florida Statutes, entitled "Tree Care  
92 Services."

93 (2) Replace the phrase "the effective date of this act"  
94 wherever it occurs in this act with the date this act becomes a  
95 law.

96 Section 2. Section 468.851, Florida Statutes, is created to  
97 read:

98 468.851 Short title.—This part may be cited as the "Florida  
99 Arborist and Tree Care Practitioners Licensing Act."

100 Section 3. Section 468.8511, Florida Statutes, is created  
101 to read:

102 468.8511 Legislative findings and intent.—The Legislature  
103 recognizes that tree care services are consistently ranked as  
104 one of the most hazardous work activities. The Legislature  
105 further recognizes the potential hazards to life and property  
106 which can arise from untrained tree care personnel. In order to  
107 provide safety for workers engaged in tree care services, to  
108 enhance the safety of residents, and to provide for the  
109 protection of trees and property, the Legislature declares it to  
110 be in the public interest of this state to regulate individuals  
111 and businesses providing or offering to provide tree care  
112 services in this state.

113 Section 4. Section 468.8512, Florida Statutes, is created  
114 to read:

115 468.8512 Exemptions.—

116 (1) This part does not apply to any of the following

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117 individuals or entities:

118 (a) A public utility or an employee of a public utility  
119 while he or she is engaged in the actual performance of his or  
120 her duties as an employee.

121 (b) An employer under contract with a public utility and  
122 engaged in tree trimming or any other utility vegetation  
123 management practice for the purpose of line clearance, or any  
124 employee of the employer while he or she is engaged in the  
125 actual performance of his or her duties in regard to tree  
126 trimming, other utility vegetation management practice,  
127 installing underground facilities, or performing associated site  
128 construction.

129 (c) An individual or employer that does not offer tree care  
130 services for hire.

131 (d) An employee of a municipality or county while he or she  
132 is engaged in the actual performance of his or her duties as an  
133 employee.

134 (2) This part does not apply to any of the following  
135 activities:

136 (a) Agricultural or silvicultural activities on lands  
137 classified as agricultural pursuant to s. 193.461.

138 (b)1. Ground-based landscape construction activities,  
139 including those performed by, or under the direction of, a  
140 landscape architect.

141 2. Ground-based landscape maintenance activities,  
142 including, but not limited to, pruning, fertilization, insect  
143 and disease control, planting, transplanting, and temporary  
144 stabilization, when such activities are performed in compliance  
145 with:

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146 a. The sections of the American National Standards  
147 Institute practice standards set forth by the board by  
148 regulation, with applicable safety standards and regulations of  
149 the federal Occupational Safety and Health Administration; and  
150 b. Any pesticide rules adopted by the department.

151  
152 For purposes of this paragraph, the term "ground-based landscape  
153 maintenance" does not include operations that involve climbing;  
154 the use of aerial lifts, cranes, rope, or rigging operations; or  
155 the removal of trees of more than 6 inches in diameter at chest  
156 height.

157 (c) The removal of any trees pursuant to an approved site  
158 plan or subdivision approval, provided that the tree removal  
159 activities are performed in compliance with applicable safety  
160 standards and rules of the American National Standards Institute  
161 practice standards set forth by board rule and with applicable  
162 safety standards and regulations of the federal Occupational  
163 Safety and Health Administration.

164 Section 5. Section 468.8513, Florida Statutes, is created  
165 to read:

166 468.8513 Definitions.—As used in this part, the term:

167 (1) "Arboricultural services" means, unless otherwise  
168 exempted in this part, tree pruning, repairing, or removal;  
169 stump grinding or removal; tree establishment; fertilization;  
170 cabling and bracing; lightning protection; consulting,  
171 diagnosis, and treatment of tree problems or diseases; tree  
172 management during site planning and development; tree assessment  
173 and risk management; application of pesticides; and any other  
174 form of tree maintenance.

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175 (2) "Board" means the Florida Board of Tree Experts.

176 (3) "Commissioner" means the Commissioner of Agriculture.

177 (4) "Department" means the Department of Agriculture and  
178 Consumer Services.

179 (5) "Licensed Florida arborist" or "LFA" means a person  
180 licensed under s. 468.8516 to provide arboricultural services in  
181 this state.

182 (6) "Licensed tree care practitioner" or "LTCP" means a  
183 person licensed under s. 468.8516 to provide tree care  
184 practitioner services in this state.

185 (7) "Tree care practitioner services" includes tree  
186 pruning, repairing, or removal and stump grinding or removal.

187 (8) "Tree care services" means tree care practitioner  
188 services and arboricultural services.

189 Section 6. Section 468.8514, Florida Statutes, is created  
190 to read:

191 468.8514 Board; membership; duties.—

192 (1) The Florida Board of Tree Experts is established within  
193 the department.

194 (2) The board shall consist of nine members, including:

195 (a) The commissioner or his or her designee, who shall  
196 serve ex officio;

197 (b) Five licensed Florida arborists, appointed by the  
198 commissioner;

199 (c) Two licensed tree care practitioners, appointed by the  
200 commissioner; and

201 (d) One member who has knowledge of arboriculture or  
202 forestry, including urban forestry, appointed by the  
203 commissioner.

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204       (3) The board members initially appointed to serve as  
205 licensed Florida arborists and licensed tree care practitioners  
206 need not be licensed until 180 days after the adoption of  
207 initial rules by the board. Thereafter, the subsequently  
208 appointed board members must be licensed before they are  
209 eligible to be appointed by the commissioner.

210       (a) To provide for staggered terms, the initially appointed  
211 members shall serve the following terms:

- 212       1. Three licensed Florida arborist board members, 3 years;  
213       2. One licensed tree care practitioner, 3 years;  
214       3. The remaining licensed Florida arborist and licensed  
215 tree care practitioner board members, 2 years; and  
216       4. The member possessing knowledge of arboriculture or  
217 forestry, 1 year.

218       (b) Thereafter, all appointed members shall serve 3-year  
219 terms or until their successors are appointed and qualified.  
220 Vacancies shall be filled for the unexpired terms only.

221       (4) The board shall annually elect from among its  
222 membership a chair and a vice chair. The board shall meet at  
223 least four times per year and may hold additional meetings as  
224 necessary to discharge its duties. A majority of the total  
225 authorized membership of the board may exercise any of the  
226 powers of the board at any meeting. The members of the board  
227 shall serve without compensation, but the board may, within the  
228 limits of funds appropriated or otherwise made available to it,  
229 reimburse members for actual expenses necessarily incurred in  
230 the discharge of their official duties, according to department  
231 rule.

232       (5) The board has all of the following duties:



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- 233       (a) Review the qualifications of an applicant for  
234 licensure.
- 235       (b) Establish standards for the licensure examination.
- 236       (c) Issue and renew licenses.
- 237       (d) Establish standards by rule, including, but not limited  
238 to, appropriate standards from the American National Standards  
239 Institute and any related standards and best management  
240 practices.
- 241       (e) Suspend or revoke licenses or registrations for  
242 violations of this part.
- 243       (f) Maintain a registry of licensees and businesses engaged  
244 in tree care services.
- 245       (g) Adopt a canon of professional ethics.
- 246       (h) Adopt rules to carry out this part.
- 247       (i) Conduct any necessary worksite inspections to enforce  
248 this part.
- 249       Section 7. Section 468.8515, Florida Statutes, is created  
250 to read:
- 251       468.8515 Examination.—
- 252       (1) The board shall develop or designate an examination to  
253 evaluate an applicant's knowledge, ability, and fitness to  
254 perform as a licensed Florida arborist.
- 255       (2) The board shall administer the examination at least  
256 semiannually at times and places to be determined by the board.  
257 The board shall provide adequate written notice of the time and  
258 place of the examinations.
- 259       (3) An applicant who fails the examination may retake it 3  
260 months after the initial examination. An applicant is not  
261 limited in the number of times he or she may take the

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262 examination.

263 Section 8. Section 468.8516, Florida Statutes, is created  
264 to read:

265 468.8516 Licensure; biennial renewal.-

266 (1) An applicant for licensure as a licensed Florida  
267 arborist must meet all of the following requirements:

268 (a) Be at least 18 years of age.

269 (b) Be of good moral character.

270 (c) Meet at least one of the following requirements:

271 1. Have a bachelor's degree in arboriculture, forestry,  
272 ornamental horticulture, natural resources, or any other  
273 curriculum approved by the board and be continuously employed  
274 full time in professional tree care for a period of at least 1  
275 year before the date of his or her application for licensure.

276 2. Have an associate degree in a field of study approved by  
277 the board and be continuously employed full time in the practice  
278 of arboriculture for a period of at least 3 years before the  
279 date of his or her application for licensure.

280 3. Be continuously employed full time in the practice of  
281 arboriculture for at least 5 years before the date of his or her  
282 application for licensure.

283 4. Have maintained an industry credential approved by the  
284 board for at least 3 years before the date of his or her  
285 application for licensure.

286 (d) Except as provided in subsection (3), pass an  
287 examination developed or designated by the board.

288 (2) An applicant for licensure as a licensed tree care  
289 practitioner must meet all of the following requirements:

290 (a) Be at least 18 years of age.

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- 291 (b) Be of good moral character.
- 292 (c) Meet at least one of the following requirements:
- 293 1. Have a bachelor's degree in arboriculture or an
- 294 equivalent major field of study approved by the board and be
- 295 continuously employed full time in the practice of arboriculture
- 296 for a period of at least 1 year before the date of his or her
- 297 application for licensure.
- 298 2. Have an associate degree in arboriculture or an
- 299 equivalent field of study approved by the board and be
- 300 continuously employed full time in the practice of arboriculture
- 301 for a period of at least 1 year before the date of his or her
- 302 application for licensure.
- 303 3. Be continuously employed full time in the practice of
- 304 arboriculture for at least 3 years before the date of his or her
- 305 application for licensure.
- 306 4. Have maintained an industry credential approved by the
- 307 board for at least 1 year before the date of his or her
- 308 application for licensure.
- 309 (d) Take a mandatory course on pruning, tree worker safety,
- 310 and insurance requirements as established by the board within
- 311 360 days after initial licensure.
- 312 (3) Notwithstanding subsections (1) and (2), within 360
- 313 days after the date initial rules are adopted by the board:
- 314 (a) An individual may be licensed as a licensed Florida
- 315 arborist without sitting for the examination required under
- 316 subsection (1) if he or she maintains an International Society
- 317 of Arboriculture credential as a Certified Arborist or a Board
- 318 Certified Master Arborist; and
- 319 (b) An individual may be licensed as a licensed tree care

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320 practitioner upon taking the mandatory course on pruning, tree  
321 worker safety, and insurance requirements, pursuant to board  
322 rule, if he or she maintains an International Society of  
323 Arboriculture credential as a Certified Arborist or a Board  
324 Certified Master Arborist or is an individual of good moral  
325 character who has documented to the satisfaction of the board  
326 that he or she has been engaged in the practice of arboriculture  
327 for at least 7 years before the effective date of this act.

328 (4) An individual licensed as a licensed tree care  
329 practitioner under subsection (2) may subsequently apply for  
330 licensure as a licensed Florida arborist upon meeting the  
331 qualifications for such licensure.

332 (5) An individual licensed under this section shall receive  
333 a certificate evidencing his or her licensure.

334 (6) The board shall renew licenses biennially.

335 (7) A licensee may submit an application pursuant to board  
336 rule for renewal of his or her license. If an individual's  
337 license expires before it is renewed, the license may be renewed  
338 within 1 year after expiration.

339 (8) An individual is not eligible for licensure pursuant to  
340 this section until the final adoption of initial rules by the  
341 board.

342 Section 9. Section 468.8517, Florida Statutes, is created  
343 to read:

344 468.8517 Application for licensure; maintenance of  
345 records.—

346 (1) An application for licensure as a licensed Florida  
347 arborist or a licensed tree care practitioner must be on forms  
348 prescribed and furnished by the board and must contain a

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349 statement under oath declaring the applicant's education or  
350 other qualification for licensure. The board may not issue a  
351 license in the name of a corporation, a firm, a partnership, or  
352 any other form of business organization.

353 (2) The board shall maintain a record of all individual  
354 applicants for licensure and all licensees, including each  
355 person's name, age, education, and other qualifications;  
356 residential address; location of employment; and record of  
357 fulfillment of any continuing education requirements.

358 (3) The board may grant a licensed Florida arborist license  
359 or a licensed tree care practitioner license to any individual  
360 who is not a resident of this state and who is the lawful holder  
361 of a substantially equivalent license or certification issued by  
362 another jurisdiction, as determined by the board.

363 (4) The board's determination of an applicant's  
364 qualifications for any examination shall constitute final agency  
365 action.

366 Section 10. Section 468.8518, Florida Statutes, is created  
367 to read:

368 468.8518 Continuing education requirement.-

369 (1) A licensed Florida arborist must complete, as a  
370 condition for biennial license renewal, a minimum of 20 credits  
371 of continuing education in courses of study approved by the  
372 board. The licensee may provide proof of a current International  
373 Society of Arboriculture credential as a Certified Arborist or a  
374 Board Certified Master Arborist as documentation of continuing  
375 education compliance.

376 (2) A licensed tree care practitioner must complete, as a  
377 condition for biennial license renewal, a minimum of 10 credits

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378 of continuing education in courses of study approved by the  
379 board. The licensee may provide proof of a current International  
380 Society of Arboriculture credential as a Certified Arborist, a  
381 Board Certified Master Arborist, or a Tree Worker: Climber  
382 Specialist or Aerial Lift Specialist or proof of a Tree Care  
383 Industry Association credential as a Certified Treecare Safety  
384 Professional as documentation of continuing education  
385 compliance.

386 (3) Each hour of continuing education instruction is  
387 equivalent to one credit. The board may waive the continuing  
388 education requirements on an individual basis for reasons of  
389 hardship, including illness or disability or other good cause. A  
390 licensee shall submit evidence that he or she has fulfilled the  
391 continuing education requirement for his or her license to the  
392 board in a form and manner established by the board.

393 (4) The board shall accept an educational course approved  
394 by the International Society of Arboriculture as a continuing  
395 education unit for a Certified Arborist credential as meeting  
396 the continuing education credit requirements for a licensed  
397 Florida arborist and a licensed tree care practitioner. A  
398 licensee may receive up to 10 continuing education credits per  
399 course credit hour for a university or college course related to  
400 arboriculture which is completed with a passing grade within the  
401 renewal period. The board may designate other acceptable  
402 continuing education courses or sources of continuing education  
403 credits.

404 Section 11. Section 468.8519, Florida Statutes, is created  
405 to read:

406 468.8519 Compliance with laws; prohibited acts; fines.—

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407       (1) In rendering professional services, licensed Florida  
408 arborists and licensed tree care practitioners shall comply in  
409 all respects with the applicable laws and rules pertaining to  
410 tree care services and have a duty to make every reasonable  
411 effort to protect the safety, health, property, and welfare of  
412 the public, including ensuring the safe operation of all  
413 equipment used in the performance of tree care services,  
414 according to department or board rule.

415       (2) An individual may not present himself or herself to the  
416 public as a licensed Florida arborist or use the designation  
417 "LFA" or present himself or herself to the public as a licensed  
418 tree care practitioner or use the designation "LTCP" without  
419 being licensed as a licensed Florida arborist or a licensed tree  
420 care practitioner, respectively, by the board.

421       Section 12. Section 468.852, Florida Statutes, is created  
422 to read:

423       468.852 Grounds for suspending, revoking, or refusing to  
424 issue or renew license or refusing to admit a person for a  
425 licensing examination; notice and hearing; fines.—

426       (1) The board may suspend, revoke, or refuse to issue or  
427 renew a license or may refuse to admit a person to an  
428 examination for licensure after notice and hearing and upon a  
429 finding that an applicant or a licensee has done any of the  
430 following:

431       (a) Obtained a license or authorization to sit for an  
432 examination through fraud, deception, or misrepresentation.

433       (b) Conducted work or allowed work to be conducted under  
434 his or her supervision in a manner not in compliance with  
435 standards approved by the board.

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436 (c) Engaged in dishonesty, fraud, deception,  
437 misrepresentation, false promise, or false pretense in the  
438 course of his or her business.

439 (d) Engaged in gross negligence or gross incompetence.

440 (e) Engaged in repeated acts of negligence or incompetence.

441 (f) Engaged in occupational misconduct, as determined by  
442 the board.

443 (g) Been convicted of a crime involving moral turpitude, a  
444 crime relating adversely to the activities regulated by the  
445 board, or a felony.

446 (h) Had his or her authority to engage in the activities  
447 regulated by the board revoked or suspended by any other state,  
448 agency, or authority.

449 (i) Failed to comply with this part or any rule adopted  
450 pursuant to this part, including canons of ethics established by  
451 the board.

452 (j) Has not been able, for medical reasons or for any other  
453 good cause, to discharge the functions of his or her license in  
454 a manner consistent with the health, safety, and welfare of the  
455 public.

456 (k) Has engaged in any form of false or misleading  
457 advertising or promotional activities, including, but not  
458 limited to, holding himself or herself out to be a licensed  
459 Florida arborist, a licensed tree care practitioner, an  
460 arborist, a tree surgeon, a tree care business, or any similar  
461 designation, or using the abbreviation "LFA" or "LTCP," without  
462 being licensed as a licensed Florida arborist or a licensed tree  
463 care practitioner.

464 (l) Failed to maintain records required by the board.



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465 (2) The board may suspend or revoke a license only after  
466 providing the licensee with notice and a hearing. The board  
467 shall send the licensee such notice at least 20 days before the  
468 hearing. The board may not revoke or suspend a license until the  
469 conclusion of any hearing. The board shall render its judgment  
470 within 20 days after the conclusion of the hearing.

471 (3) In addition to the suspension or revocation of a  
472 license, the board may levy a fine not to exceed \$1,000 for a  
473 first violation and not to exceed \$2,500 for a second or  
474 subsequent violation of this part. If the violation is of a  
475 continuing nature, each day during which the violation continues  
476 constitutes an additional, separate, and distinct offense.

477 Section 13. Section 468.8521, Florida Statutes, is created  
478 to read:

479 468.8521 Tree care business registration; employee  
480 instruction and training.—

481 (1) Each business engaged in providing tree care services  
482 in this state must register biennially with the board as a  
483 condition of doing business in this state. The business shall  
484 provide the board with all of the following information:

485 (a) The name and residential address of the owner or owners  
486 of the tree care business.

487 (b) The principal address of the tree care business and any  
488 branch office or subsidiary of the business.

489 (c) The names and residential addresses of every licensed  
490 Florida arborist or licensed tree care practitioner employed by  
491 the business and the location of each such licensee if assigned  
492 to a branch office other than the business's main office.

493 (d) Proof of general liability insurance or a letter of

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494 credit of a type and amount required by board rule.

495 (e) Proof of workers' compensation insurance coverage.

496 (f) Proof that at least one employee of the tree care  
497 business located at the principal office of the tree care  
498 business is licensed either as a licensed Florida arborist or a  
499 licensed tree care practitioner and that at least one employee  
500 of the tree care business located at each branch office of the  
501 tree care business is licensed either as a licensed Florida  
502 arborist or a licensed tree care practitioner.

503 (g) Any other information required by the board.

504 (2) After initial rules are adopted by the board, each tree  
505 care business shall provide instruction and training for its  
506 employees in the proper use, inspection, and maintenance of  
507 tools and equipment and shall require that safe working  
508 practices are observed in accordance with the appropriate  
509 standards of the American National Standards Institute, as well  
510 as any additional standards designated by board rule. Each tree  
511 care business shall annually submit documentation of its  
512 training program for employees to the board, including a model  
513 tree safety program checklist provided by the board, proof of  
514 general liability insurance coverage or a letter of credit in an  
515 amount established by the board, and proof of workers'  
516 compensation insurance.

517 Section 14. Section 468.8522, Florida Statutes, is created  
518 to read:

519 468.8522 Grounds for revoking or suspending a tree care  
520 business' registration; notice and hearing.-

521 (1) If a tree care business has done any of the following,  
522 the board may revoke or suspend the business's registration

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523 after notice and hearing:

524 (a) Failed to demonstrate that the employer, or at least  
525 one employee in each principal office and branch location  
526 responsible for the supervision of workers in the performance of  
527 tree care services, is licensed as a licensed Florida arborist  
528 or a licensed tree care practitioner.

529 (b) Failed to ensure the safe operation of all equipment  
530 used in the performance of tree care services.

531 (c) Allowed work to be conducted in a manner not in  
532 compliance with standards approved by the board.

533 (d) Failed to provide instruction and training for its  
534 employees, as required by s. 468.8521(2).

535 (e) Engaged in dishonesty, fraud, deception,  
536 misrepresentation, false promise, or false pretense in the  
537 course of the business's operations.

538 (f) Been found guilty of gross negligence or incompetence.

539 (g) Had the authority to engage in tree care services  
540 revoked or suspended by any other state, agency, or authority.

541 (h) Failed to comply with this part or any rule adopted  
542 pursuant to this part.

543 (i) Has engaged in any form of false or misleading  
544 advertising or promotional activities.

545 (j) Failed to maintain records required by the board.

546 (2) The board may suspend or revoke a registration only  
547 after providing the business with notice and a hearing. The  
548 board shall send the business such notice at least 20 days  
549 before the hearing. The board may not revoke or suspend a  
550 registration until the conclusion of any hearing. The board  
551 shall render its judgment within 20 days after the conclusion of

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552 the hearing.

553 Section 15. Section 468.8523, Florida Statutes, is created  
554 to read:

555 468.8523 Investigations.—

556 (1) In his or her performance of tree care services, a  
557 licensed Florida arborist, licensed tree care practitioner, or  
558 tree care business shall cooperate fully with the department and  
559 the board in investigations or adjudications of alleged  
560 violations of this part or any rules adopted pursuant to this  
561 part, and upon request, the licensee or business shall provide  
562 copies of any documents requested in connection with an  
563 investigation.

564 (2) If the board or department finds that a violation of  
565 this part has occurred, is occurring, or will occur, the  
566 Attorney General, in addition to any other proceeding authorized  
567 by law, may seek and obtain an injunction prohibiting the act or  
568 practice. The court may assess a civil penalty in accordance  
569 with this part, but the court may not suspend or revoke a  
570 license issued by the board.

571 (3) If the board or department finds that an individual has  
572 engaged in or is engaging in an unlawful activity under this  
573 part, the board or department may require the individual to  
574 file, on a form prescribed by rule, a statement in writing and  
575 under oath as to the facts and circumstances concerning the  
576 rendering of any service or other violation of this part. The  
577 board or department may examine any individual in connection  
578 with any licensed activity or practice, inspect any premises  
579 upon which a violation is alleged to have taken place or  
580 premises that constitute the licensee's place of business, and

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581 examine any record, book, document, account, or paper maintained  
582 by or for any licensee in the conduct of his or her business.

583 Section 16. Section 468.8524, Florida Statutes, is created  
584 to read:

585 468.8524 Appeal.—An individual aggrieved by an order or a  
586 finding by the board or the commissioner may appeal the order or  
587 finding.

588 Section 17. Section 468.8525, Florida Statutes, is created  
589 to read:

590 468.8525 Temporary waiver of licensure for storm response.—  
591 If a state of emergency has been declared due to a hurricane,  
592 tropical storm, or other act of God, the commissioner or the  
593 commissioner's designee may temporarily waive the licensure  
594 requirements for affected counties for up to 45 days with the  
595 option to renew the waiver period.

596 Section 18. This act shall take effect upon becoming a law.