

1 A bill to be entitled
 2 An act relating to private property rights to prune,
 3 trim, and remove trees; amending s. 163.045, F.S.;
 4 defining terms; prohibiting local governments from
 5 requiring a notice, application, approval, permit,
 6 fee, or mitigation for the pruning, trimming, or
 7 removal of a tree on a residential property if the
 8 property owner possesses certain documentation;
 9 providing that a tree poses an unacceptable risk if
 10 removal is the only means of practically mitigating
 11 its risk below moderate as determined by specified
 12 procedures; providing an effective date.

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

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 16 Section 1. Section 163.045, Florida Statutes, is amended
 17 to read:

18 163.045 Tree pruning, trimming, or removal on residential
 19 property.—

20 (1) For purposes of this section, the term:

21 (a) "Documentation" means an onsite assessment performed
 22 in accordance with the tree risk assessment procedures outlined
 23 in Best Management Practices - Tree Risk Assessment, Second
 24 Edition (2017) by an arborist certified by the International
 25 Society of Arboriculture (ISA) or a Florida licensed landscape

26 architect and signed by the certified arborist or licensed
 27 landscape architect.

28 (b) "Residential property" means a single-family, detached
 29 building located on a lot that is actively used for single-
 30 family residential purposes and that is either a conforming use
 31 or a legally recognized nonconforming use in accordance with the
 32 local jurisdiction's applicable land development regulations.

33 (2) A local government may not require a notice,
 34 application, approval, permit, fee, or mitigation for the
 35 pruning, trimming, or removal of a tree on a residential
 36 property if the property owner possesses ~~obtains~~ documentation
 37 from an arborist certified by the ISA ~~International Society of~~
 38 ~~Arboriculture~~ or a Florida licensed landscape architect that the
 39 tree poses an unacceptable risk ~~presents a danger~~ to persons or
 40 property. A tree poses an unacceptable risk if removal is the
 41 only means of practically mitigating its risk below moderate, as
 42 determined by the tree risk assessment procedures outlined in
 43 Best Management Practices - Tree Risk Assessment, Second Edition
 44 (2017).

45 (3)-(2) A local government may not require a property owner
 46 to replant a tree that was pruned, trimmed, or removed in
 47 accordance with this section.

48 (4)-(3) This section does not apply to the exercise of
 49 specifically delegated authority for mangrove protection
 50 pursuant to ss. 403.9321-403.9333.

HB 1555

2022

51 | Section 2. This act shall take effect July 1, 2022. |