

By Senator Brodeur

9-00555-22

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1                   A bill to be entitled  
2           An act relating to residential home protection;  
3           amending s. 163.045, F.S.; defining terms; revising  
4           conditions under which a local government may not  
5           require a notice, application, approval, permit, fee,  
6           or mitigation for the pruning, trimming, or removal of  
7           a tree on a residential property; specifying when a  
8           tree poses an unacceptable risk; providing an  
9           effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Section 163.045, Florida Statutes, is amended to  
14           read:

15           163.045 Tree pruning, trimming, or removal on residential  
16           property.—

17           (1) As used in this section, the term:

18           (a) "Documentation" means an onsite assessment performed by  
19           an arborist certified by the International Society of  
20           Arboriculture (ISA) or a registered landscape architect licensed  
21           under part II of chapter 481 in accordance with tree risk  
22           assessment processes and guidelines established by the ISA, the  
23           American National Standards Institute (ANSI), or the  
24           International Organization for Standardization and signed by the  
25           certified arborist or registered landscape architect.

26           (b) "Residential property" means an existing single-family,  
27           detached building located on an existing lot of record, actively  
28           used for single-family residential purposes, and which is either  
29           an existing conforming use or a legally recognized nonconforming

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30 use in accordance with the local jurisdiction's applicable land  
31 development regulations.

32 (2) A local government may not require a notice,  
33 application, approval, permit, fee, or mitigation for the  
34 pruning, trimming, or removal of a tree on a residential  
35 property if the property owner possesses ~~obtains~~ documentation  
36 from an arborist certified by the ISA International Society of  
37 Arboriculture or a registered Florida licensed landscape  
38 architect licensed under part II of chapter 481 that the tree  
39 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 defined by the ANSI A300 (Part 9)-2017 tree risk assessment  
43 standards, using a 2-year timeframe.

44 (3)~~(2)~~ A local government may not require a property owner  
45 to replant a tree that was pruned, trimmed, or removed in  
46 accordance with this section.

47 (4)~~(3)~~ This section does not apply to the exercise of  
48 specifically delegated authority for mangrove protection  
49 pursuant to ss. 403.9321-403.9333.

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