

By the Committee on Community Affairs; and Senator Brodeur

578-02092-22

2022518c1

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; revising conditions under which a
5 local government may not require a notice,
6 application, approval, permit, fee, or mitigation for
7 the pruning, trimming, or removal of a tree on
8 residential property; specifying when a tree poses an
9 unacceptable risk; providing an effective date.

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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) For purposes of this section, the term:

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

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

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

42 (3) ~~(2)~~ A local government may not require a property owner
43 to replant a tree that was pruned, trimmed, or removed in
44 accordance with this section.

45 (4) ~~(3)~~ This section does not apply to the exercise of
46 specifically delegated authority for mangrove protection
47 pursuant to ss. 403.9321-403.9333.

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