

By Senator Brodeur

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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; prohibiting
4 local governments from requiring a notice,
5 application, approval, permit, fee, or mitigation for
6 the pruning, trimming, or removal of a tree on a
7 residential property if the property owner possesses
8 certain documentation; providing that a tree poses an
9 unacceptable risk if removal is the only means of
10 practically mitigating its risk below moderate as
11 defined by specified standards; providing an effective
12 date.

13
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 to
17 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 by
22 an arborist certified by the International Society of
23 Arboriculture (ISA) or a Florida licensed landscape architect in
24 accordance with tree risk assessment processes and guidelines
25 established by the ISA, the American National Standards
26 Institute (ANSI), or the International Organization for
27 Standardization and signed by the certified arborist or licensed
28 landscape architect.

29 (b) "Residential property" means an existing single-family,

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30 detached building located on an existing lot of record, actively
31 used for single-family residential purposes, and which is either
32 an existing conforming use or a legally recognized nonconforming
33 use in accordance with the local jurisdiction's applicable land
34 development regulations.

35 (2) A local government may not require a notice,
36 application, approval, permit, fee, or mitigation for the
37 pruning, trimming, or removal of a tree on a residential
38 property if the property owner possesses ~~obtains~~ documentation
39 from an arborist certified by the ISA ~~International Society of~~
40 ~~Arboriculture~~ or a Florida licensed landscape architect that the
41 tree poses an unacceptable risk ~~presents a danger~~ to persons or
42 property. A tree poses an unacceptable risk if removal is the
43 only means of practically mitigating its risk below moderate, as
44 defined by the ANSI A300 (Part 9)-2017 tree risk assessment
45 standards, using a 2-year timeframe.

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

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

52 Section 2. This act shall take effect July 1, 2021.