

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 518 — Private Property Rights to Prune, Trim, and Remove Trees

by Community Affairs Committee and Senator Brodeur

The governing body of a county or municipality has broad legislative powers to enact ordinances to perform governmental functions and exercise power to promote the health, welfare, safety, and quality of life of a local government’s residents. To that end, many counties and municipalities enact tree management ordinances to regulate tree removal and maintenance on private property, often requiring property owners to obtain a permit or pay a fee before pruning, trimming, or removing a tree on their property.

Legislation enacted during the 2019 Regular Session prohibits local governments from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from a certified arborist or a licensed landscape architect, that the tree presents a danger to persons or property. Additionally, a local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this law.

CS/SB 518 revises the 2019 provision to provide clarity and precision to the operation of the law. The bill provides that a local government may not burden a property owner’s rights to prune, trim, or remove trees on his or her own property if the tree “poses an unacceptable risk” to persons or property. Under the bill, a tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate as outlined in Best Management Practices – Tree Risk Assessment, Second Edition (2017).

The bill also describes the documentation that must be produced by an arborist or landscape architect in determining that a tree poses an unacceptable risk. It also clarifies the applicability of the law by defining "residential property" to mean a single-family detached building located on an existing lot actively used for single-family residential purposes.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 116-1