

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED

Committee on Community Affairs

CS/HB 1159 — Private Property Rights

by State Affairs Committee and Reps. LaRosa and Sabatini (CS/CS/SB 1400 by Judiciary Committee; Community Affairs Committee; and Senator Albritton)

Local government tree maintenance regulations vary but can require property owners to obtain a permit or pay a fee prior to trimming or removing trees on residential property. CS/HB 1159 prohibits a local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the tree presents a danger to persons or property, as documented by a certified arborist or licensed landscape architect. A local government may not require a property owner to replant a tree that has been pruned, trimmed, or removed in accordance with the bill provisions. The bill does not apply to mangrove trees, which the trimming and alteration of is regulated statewide by the Department of Environmental Protection.

As it pertains to maintaining vegetation within a utility right-of-way, current law requires a utility to give five business days' advance notice to a local government prior to conducting vegetation maintenance activities within a right-of-way. No advance notice is required for service restoration, to avoid an imminent vegetation caused outage, or when performed at the request of a property owner adjacent to the right-of-way, provided the owner has obtained any required approval from the local government. The bill removes the requirement that a property owner receive approval by the local government before requesting an electric utility to prune trees and maintain vegetation in an adjacent right-of-way.

Finally, the bill requires each county property appraiser to post a Property Owner Bill of Rights on its website and specifies the text to be included in the bill of rights. The website must list the seven property rights declared in the bill and must state that the bill of rights does not represent all property rights under Florida law and does not create a civil cause of action.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 22-16; House 77-36