



302086

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2022	.	
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The Committee on Community Affairs (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) For purposes of this section, the term:

(a) "Documentation" means an onsite assessment performed in



302086

11 accordance with the tree risk assessment procedures outlined in  
12 Best Management Practices - Tree Risk Assessment, Second Edition  
13 (2017) by an arborist certified by the International Society of  
14 Arboriculture (ISA) or a Florida licensed landscape architect  
15 and signed by the certified arborist or licensed landscape  
16 architect.

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

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

34 (3)~~(2)~~ A local government may not require a property owner  
35 to replant a tree that was pruned, trimmed, or removed in  
36 accordance with this section.

37 (4)~~(3)~~ This section does not apply to the exercise of  
38 specifically delegated authority for mangrove protection  
39 pursuant to ss. 403.9321-403.9333.



302086

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

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42 ===== T I T L E   A M E N D M E N T =====

43 And the title is amended as follows:

44           Delete everything before the enacting clause

45 and insert:

46                           A bill to be entitled

47           An act relating to private property rights to prune,

48           trim, and remove trees; amending s. 163.045, F.S.;

49           defining terms; revising conditions under which a

50           local government may not require a notice,

51           application, approval, permit, fee, or mitigation for

52           the pruning, trimming, or removal of a tree on

53           residential property; specifying when a tree poses an

54           unacceptable risk; providing an effective date.