

Legend:

Blue underlined text = Additions

Red crossed-out text = ~~Deletions~~

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 accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017) by an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect and signed under oath by the certified arborist or a licensed landscape architect. The Onsite Assessment must be documented in writing, with clear photographic evidence of the entire tree, setting forth the specific facts and evidence establishing why the complete removal of a tree is the only practical means to mitigate moderate or high risks to persons or property. The Onsite Assessment must be signed under oath before a notary public or with an acknowledgement that all statements in the report are true and accurate and made under penalty of perjury. Whomever makes or verifies a false statement of fact in the Onsite Assessment shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. [See Fla.Stat. s. 837.012, Perjury When Not in an Official Proceeding].

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

(2) Emergency Removal of Tree Limbs or Trees Damaged in Storms or Accidents

(a) Emergency Pruning: In the event a tree or tree limb is damaged in a storm or accident and is at high risk of damaging a person or property that cannot be prevented by blocking the path of travel under or near the tree while awaiting the issuance of a tree removal permit, the owners of the residential properties on which the tree is growing may prune or trim the limb(s) necessary to mitigate high risk of damage to a person or property.

(b) Emergency Tree Removal: In the event a tree damaged in a storm or accident poses a high risk of damaging a person or property in the following 30 days and the risk cannot be mitigated by pruning or trimming tree limbs (“high risk tree”) or blocking the path of travel under or near the tree while awaiting the issuance of a tree removal permit, the owners of the property may remove a high risk tree. Removal of a high-risk tree must be performed by a certified arborist. Within (20) days of removing a high-risk tree, a certified arborist and the owner of the property on which the high-risk tree was located must submit Documentation required in Section (1)(a) of this statute.

Under no circumstances shall this section be used to authorize the removal of limbs or trees touching or near power lines without the approval of the local electrical utility. Further, under no

circumstances shall this section be used to authorize digging out, the removal or stump grinding of any tree trunk below ground level before obtaining the approval of the local government.

~~(2)~~(3) A local government may not require a notice, application, approval, permit, or fee, ~~or mitigation~~ for the emergency pruning or, trimming, or removal of a high-risk tree on a residential property if the property owner provides the local government ~~possesses~~ documentation required in this statute from an arborist certified by the ISA or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017).

~~(3)~~(4) A local government may not require a property owner to replant or contribute funds for tree canopy replacement for palm trees nor for trees pruned, trimmed or removed in accordance with subsection (2) ~~this section~~.

~~(4)~~(5) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.