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1  
2 An act relating to private property rights to prune,  
3 trim, and remove trees; amending s. 163.045, F.S.;  
4 defining terms; revising conditions under which a  
5 local government may not require a notice,  
6 application, approval, permit, fee, or mitigation for  
7 the pruning, trimming, or removal of a tree on  
8 residential property; specifying when a tree poses an  
9 unacceptable risk; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Section 163.045, Florida Statutes, is amended to  
14 read:

15 163.045 Tree pruning, trimming, or removal on residential  
16 property.—

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

18 (a) “Documentation” means an onsite assessment performed in  
19 accordance with the tree risk assessment procedures outlined in  
20 Best Management Practices - Tree Risk Assessment, Second Edition  
21 (2017) by an arborist certified by the International Society of  
22 Arboriculture (ISA) or a Florida licensed landscape architect  
23 and signed by the certified arborist or licensed landscape  
24 architect.

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

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30           (2) A local government may not require a notice,  
31 application, approval, permit, fee, or mitigation for the  
32 pruning, trimming, or removal of a tree on a residential  
33 property if the property owner possesses ~~obtains~~ documentation  
34 from an arborist certified by the ISA ~~International Society of~~  
35 ~~Arboriculture~~ or a Florida licensed landscape architect that the  
36 tree poses an unacceptable risk ~~presents a danger~~ to persons or  
37 property. A tree poses an unacceptable risk if removal is the  
38 only means of practically mitigating its risk below moderate, as  
39 determined by the tree risk assessment procedures outlined in  
40 Best Management Practices - Tree Risk Assessment, Second Edition  
41 (2017).

42           (3)~~(2)~~ A local government may not require a property owner  
43 to replant a tree that was pruned, trimmed, or removed in  
44 accordance with this section.

45           (4)~~(3)~~ This section does not apply to the exercise of  
46 specifically delegated authority for mangrove protection  
47 pursuant to ss. 403.9321-403.9333.

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