

CITY OF COOPER CITY

MEMORANDUM NO. 2022-015

TO: Mayor Greg Ross
Members of the City Commission

CC: Joseph Napoli, City Manager
Carlos Vega, Community Development Director
Tom Good, Public Works Director
Tedra Allen, City Clerk

FROM: Jacob G. Horowitz, City Attorney *JGH*
Brian J. Sherman, Assistant City Attorney *BJS*

DATE: June 27, 2022

RE: City of Cooper City ("City") / An Overview of Senate Bill 518 – Private Property Rights to Prune, Trim, and Remove Trees

This memorandum is intended to provide an overview of Senate Bill 518 ("SB 518,") which was signed into law on May 19, 2022, as Chapter 2022-121, Laws of Florida. SB 518 takes effect on July 1, 2022.

SB 518 amends Section 163.045, Florida Statutes, to define the terms "documentation," "residential property," and limits the statute's application to trees that pose an "unacceptable risk." Section 163.045, Florida Statutes, currently 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 property owner obtains documentation from a certified arborist or licensed landscape architect.

SB 518 adds the following definitions to Section 163.045, Florida Statutes:

- "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 by the certified arborist or licensed landscape architect; and,
- "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.

SB 518 further provides that an unacceptable risk arises if removal of the tree 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).

Please do not hesitate to contact us if we can provide any additional assistance or if you have any questions.

Enclosure: Chapter 2022-121, Laws of Florida (Senate Bill 518)