

Tree pruning, trimming, or removal on residential property.

HOUSE BILL 1159, 2019 LEGISLATIVE SESSION

Chapter 163.045 created

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

- (1) A local government may not require 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 an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property.
- (2) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.
- (3) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.

The following sections are amended

- Sec. 23-20. - Tree removal license requirements and standards.
- Section 6.9. - Development standards.
- Section 14.2. - Permitted uses.
- Section 18.5. - Design standards.
- Section 40.4. - Exterior maintenance of structure and premises.
- Section 40.9. - Landscaping maintenance requirements.

Impact

- The state law does not eliminate the City's regulations related to trees.
- The City's regulations are preempted only if documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property has been obtained.
- If a tree has been removed without the required documentation and a permit from the City has not been obtained, it is a code violation.

Planning and Zoning Board recommendation

- Recommend rejection of the proposed ordinance.

Staff recommendation

- Recommend approval of the proposed ordinance.