

TREE PRUNING/REMOVAL

Property Owner's Ability to Trim or Remove Dangerous Tree without Local Government Oversight is Expanded:

[Senate Bill 518](#) expands upon section 163.045, Florida Statutes, which governs when local governments may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming or removal of a tree on residential property. SB 518 allows for these activities with no local government oversight when the property owner possesses documentation that a tree poses an “unacceptable risk.” A tree poses such an unacceptable risk when the only way to practically mitigate the risk below a “moderate” level is to remove the tree. A “moderate” level of risk is determined by the risk assessment procedures manual that is referenced in the bill: “Best Management Practices – Tree Risk Assessment, Second Edition (2017).”

One significant change is the addition of clear definitions for “documentation” and “residential property.” For the “documentation” to be proper, it must be provided by a certified arborist or Florida licensed landscape architect in accordance with the same tree risk assessment manual discussed above. A “residential property” is defined as a single-family, detached building that is on a lot actively used for single-family residential purposes, and, it must either be a conforming use or a legally recognized non-conforming use according to the particular local jurisdiction’s land development regulations. This bill was signed into law on May 18, 2022, and went into effect on July 1, 2022.