



CITY OF BELLE ISLE, FL
TREE ADVISORY BOARD MEETING

Held in City Hall Chambers 1600 Nela Avenue Belle Isle FL 32809

Held the 2nd Monday of Every Month

Thursday, April 18, 2024 * 6:30 PM

AGENDA

Tree Advisory Board Members

Christopher Stalder | Doug DeYoung | Richard Weinsier | Sue Nielsen | OPEN SEAT

Welcome to the City of Belle Isle Tree Advisory Board meeting. Agendas and all backup material supporting each agenda item are available at the City Clerk's office or the city's website at www.belleislefl.gov

- 1. Call to Order and Confirmation of Quorum**
- 2. Approval of Minutes**
- 3. Unfinished Business**
- 4. New Business**
 - a. Appointment of Chair Person
 - b. Appointment of Vice Chair
 - [c.](#) Arbor Day Proclamation - CC Approval April 16 2024
 - [d.](#) Review and Recommend Changes to Tree Ordinance and Permit Application Form
 - [e.](#) Review of Tree Protection Ordinance, State Premeption, and Attorney Opinion
- 5. Next Meeting Schedule**
- 6. Adjournment**

Office of the Mayor

CITY OF BELLE ISLE



Celebrating Tree City USA Communities, Arbor Day, and our Commitment to Effective Urban Forestry in the City of Belle Isle - 2024

- Whereas the City of Belle Isle, Florida, is recognized by the Arbor Day Foundation in honor of its commitment to effective urban forest management; and
- Whereas the City of Belle Isle achieved Tree City USA recognition by meeting the program's four requirements: a tree board or department, a tree care ordinance, an annual community forestry budget of at least \$2 per capita, and an Arbor Day observance and proclamation; and
- Whereas "Tree City USA communities see an urban forest's impact on a community firsthand. The Trees being planted and cared for by the City of Belle Isle ensure that generations enjoy a better quality of life. Additionally, participation in this program brings residents together and creates a sense of civic pride, whether it's through volunteer engagement or public education," said Dan Lambe, president of the Arbor Day Foundation; and
- Whereas, if there was a time for trees, now is that time. Communities worldwide face air quality issues, water resources, personal health and well-being, energy use, extreme heat, and flooding protection. Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and trees, wherever planted, are a source of joy and spiritual renewal; and



TREE CITY USA

Whereas, with Tree City USA recognition, the City of Belle Isle has demonstrated a commitment to effective urban forest management and its part to help address these challenges for its residents now and in the future.

Therefore, I, Nicholas Fouraker, Mayor of the City of Belle Isle, do hereby celebrate Tree USA communities and commit to the residents of the City of Belle Isle for their efforts to protect our trees, woodlands, and environmental initiatives. Further, I urge all residents to plant trees, promote the well-being of this and future generations, and broaden and diversify the environmental movement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Belle Isle to be affixed this 16th day of April, in the year two thousand twenty-four.

Attest *Yolanda Quintero*
Yolanda Quintero, City Clerk



Nicholas Fouraker
Mayor Nicholas Fouraker



TREE CITY USA®
BULLETIN

No. 54

Dr. James R. Fazio, Editor • \$3.00

How to Grow a Great Tree Board

Tree boards are an essential component of the Tree City USA program. They can be a great asset to any community that values its trees. An effective tree board can assist professional arborists and city foresters, serve as an advocate for trees, and help residents and businesses in the community understand and appreciate the benefits of maintaining trees. A well-organized tree board provides immeasurable service to the community today and its citizens of the future.

The rising number of American communities that receive a Tree City USA award each year is a good indication of the interest that citizens and city officials have in the trees that grace their streets, parks and yards. In these progressive communities, tree planting and care is recognized as essential for protecting and enhancing investments in the green infrastructure. In all cases, tree boards play an important role.

Tree boards go by many names, including commissions, councils and committees, but their potential for service is universal and they are needed in communities of all sizes. Their activities range from simply conducting an Arbor Day program once a year to serving regularly as a quasi-judicial body for tree-related disputes. Importantly, when a community is large enough to have employees to look after its tree resource, the role of a tree board is to compliment, not replace professional leadership.

From his association with tree boards over the years, retired community forestry administrator Roger Blanchard of Moscow, Idaho says there were many ways the board contributed to success of the urban forestry program in his city. "In my case, where I was pretty much the only staff, the board provided a great support group. If I had an issue, I could take it to the board members to help me work through it. They also helped complete an inventory, develop a management plan, and develop a tree guide. There is no way I could have done these things by myself." Roger cites other functions provided by the board such as: providing advice on the general direction of the program; conducting outreach projects and developing good public relations; and giving citizen 'feedback' on what is working or what needs to be changed.

An active tree board is the keystone between the citizenry on one side and elected officials and city employees on the other. If you are part of a board, we hope this issue of the bulletin will help you find ways to make your group the best it can be in serving your community. If you do not have a tree board, we hope these pages inspire you to become the spark that ignites action.



Tatiana Boyle / iStockphoto

The end result of a great tree board is a great community forest.

Published by



100 Arbor Avenue • Nebraska City, NE 6841

The 'Right' Board Members

It has been said that the best way to fire someone is to not hire him or her in the first place. The message in this is that many problems would be prevented by taking the time to carefully screen candidates for any position. This is just as true for tree board members, especially in larger communities.

What Expertise is Needed?

The key criteria for being a contributing tree board member are enthusiasm and dedication, not technical expertise. It always helps to have at least one member who is involved in a green industry such as a local nursery or tree-care company, but it is even more important to have members who are willing to dedicate time and energy to attending meetings and events, sharing the work load, and compatibly interacting with other members. Connection with the community is also important. It helps if board members are involved in business organizations, the Garden Club, fraternal organizations, and others. This expands the board's networking opportunities and chances to enlist help with projects. Two ex-officio members round out the ideal board: a person from the city department responsible for tree care and a member of city council to serve as liaison.

Age is clearly *not* a criterion. Active board members have ranged from 16 to 86. Older members can provide perspective and inspiration. Young people are important for new ideas and building leadership for the future. If a college is located nearby, having a student member enhances the opportunity for that institution to qualify for a Tree Campus USA award.

Diversity is another consideration. A span of backgrounds and interests enriches a tree board and helps build broad support. While 'quotas' are usually a bad idea, it does help to make sure that ethnicities represented in the community have a place on the board.

In all cases, a sincere interest in trees and how they benefit the community is the primary requirement for being a contributing board member.

A Volunteer's Job Description?

No one would be recruited for or accept a job without a clear description of what is expected. A volunteer position on a tree board is no different. A written description of the responsibilities, meeting attendance and time commitment can help candidates decide if board membership is really what they want. The description can be very brief and needs to be tailored to the nature of the community, but the accompanying illustration suggests one way to write this helpful document.

Position Description

Volunteer Tree Board Member Pleasantville, Anyplace

General Responsibilities: Serve in an advisory capacity to city council, assist the city forester in educational efforts, plan and conduct annual Arbor Day activities, and participate in special projects such as tree plantings.

Qualifications:

- U.S. citizen and resident of the City of Pleasantville
- At least some knowledge of common tree species and tree care
- An interest in trees and how they benefit the community
- The ability to work as a team member and actively participate in scheduled events
- Willingness to commit approximately 6 hours monthly including one evening meeting per month, usually on Tuesdays

Activities:

Activities are variable and some depend on the interests of board members. Those of a routine nature include:

- Assisting the city forester in developing and/or reviewing annually and updating as necessary a long-range plan for the city's urban forest
- Reviewing with the city forester annual work plans related to the urban forestry program
- Advising the mayor, city council and city departments on matters concerning trees and related resources, including revisions of the city tree ordinance
- Serving on an appeals panel regarding decisions to remove or allow the removal of trees in the city right-of-way
- Helping to plan and conduct an annual Arbor Day celebration on the last Friday of April
- Participating in educational campaigns that may include occasional school and civic organization presentations, interviews with mass media, and creation of printed materials
- Serving as liaison with organizations planning and conducting tree-related events or projects

What A Small Group Can Do

Urban forestry coordinators nationwide report the same thing about tree boards – all it takes is one ‘spark plug’ to get it started and get things done. So it was in 1992 when a University of Maine Extension specialist and the director of parks & cemeteries in Bath, Maine suggested to the city council that a tree board be established. The city officials agreed and an ad was placed in the local paper asking for volunteers. Numerous citizens stepped forward and nine were chosen to form the Bath Community Forestry Committee.

One of the founding members was Geraldine Coombs who at the date of this publication was 86 years old and still very active promoting good urban forestry. “I do things other people don’t have time for, and I have fun,” said Geraldine in an interview.

Fun is definitely part of an effective tree board, but in Bath, Maine, Geraldine and her group have worked wonders for their community. Two years after being organized, the committee arranged for a trust agreement with the city to facilitate receiving private donations and guaranteeing continuous tree care into the future. A direct mail campaign is conducted every other year and residents have been generous in donating to the fund. Interest-only is used from the fund and the money helps support a full-time city arborist.

Between Geraldine’s committee and city arborist Thomas Hoerth, Bath developed an exemplary urban forestry program. Its activities have included:

- Passage of a tree ordinance, completion of an inventory, and development of a management plan
- Tree planting and regular tree care, such as pruning and hazard removals
- A sawmill that produces lumber for the Rotary Club that in turn sponsors the construction of houses by vocational education students
- Receiving Tree City USA and Growth Awards
- A city tree nursery
- Landscaping the city’s beautiful parks and cemeteries, including restoration of a neglected, historic park
- Managing several coastal natural areas
- Presenting educational programs for children and adults
- Publishing a newsletter twice a year

Bath, Maine is known as ‘The City of Ships’ and has a long maritime history. Work by the local arborist and community forestry committee in recent years suggests it should be called ‘The City of Ships and Trees.’

Geraldine told us, “It all comes down to people with a passion for their environment and trees. People need to envision the future and see what needs to be done to enhance their community.” Citing the creation of a Nature Explore Classroom in the heart of New York City that she read about in the *Arbor Day* newsletter, Geraldine said, “That is a wonderful example of what can be done when people have enthusiasm and vision.”

Enthusiasm and vision seem like the hallmarks of Bath’s Community Forestry Committee. And it all began with nine volunteers. Their service has inspired community-wide appreciation for trees and gained the support of citizens and businesses throughout the city.



Geraldine (‘Gerry’) Coombs, a founding member of the Bath, Maine Forestry Committee, plants an Arbor Day tree donated by the community in her honor.



Gail Spath

© Heather Perry Photograph

Making it Clear – The Legal Authority

Legal authority for tree boards is by charter, generally ordinance or statute, but occasionally by executive order or other administrative action. However chartered, tree boards must have responsibility and authority. They must also have continuity.

– Gene W. Grey
A Handbook for Tree Board Members

Legal recognition of a tree board as part of municipal government helps assure that trees will have standing in the community. The actions of the tree board will be taken more seriously. The most common source of this recognition comes as an ordinance, either a ‘stand alone’ ordinance that creates the tree board, or as part of a broader tree or community forestry ordinance. Either way, the ordinance should be written to clarify the role of the tree board, define its composition, and provide guidelines for its operation.

Regardless of the mechanism used to create a tree board, here are some provisions that should be included:

✓ The general purpose. An example might be:

To help assure the maintenance and expansion of the city’s tree canopy and the health and safe condition of trees in the community, the Pleasantville Tree Board shall advise the mayor and city council regarding preservation, protection and management of the community forest, act as an appellate body for licensing and/or certification pursuant to the Community Forestry Ordinance and shall coordinate the ordinance’s activities regarding public trees.

✓ The number of members. This will vary depending on the size of the community, but 5 – 9 members is commonly used. An odd number helps prevent tie votes. The various offices within the board may also be listed. For example:

- Chair
- Vice Chair
- Secretary



Kai Koehler / iStockphoto

Sometimes it is helpful to also list officers required for any standing committees believed to be essential in the community:

- Arbor Day Committee Chair
- Memorial Tree Committee Chair

✓ How appointments are made and terms of office. Staggered terms help assure continuity and term limits help provide ‘new blood’ on the board. An example ordinance provision might state:

Tree board members shall be appointed by the mayor with the approval of city council. Members will serve three years except that the term of two of the members appointed to the first board shall be for only one year. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. Re-appointments may be made for no more than two consecutive terms.

✓ If there are official qualifications for membership, such as residency, it should be stated in the ordinance.

✓ Duties should be listed more specifically than in the statement of general purpose. This not only clarifies what the board should do, but it also limits the extent of its official activities by what is *not* listed.

✓ Operational provisions include how many meetings are normally expected, how officers are selected, what constitutes a quorum, what records are required, what city staff may be appointed for liaison or support (administrative duties), and similar details for guiding the smooth operation of the board.

✓ Funding. This may range from a terse statement that all participants are volunteers and no funding will be provided, to something more helpful such as this example:

Board members serve without compensation except for allowable expenses as approved by the city administrator in advance. The board shall recommend an annual budget to the mayor and council for operational expenses and educational activities. The board is authorized to seek outside funding for its projects as may be approved by the council in accordance with city policies.

Keeping Meetings Productive

Half tongue-in-cheek it has been said that the best meetings are those that don't occur. However, if tree boards are made up of enthusiastic individuals, they will have the desire to meet in order to get things done in the community. It is important to tap this source of energy and keep it going rather than suffocate it through poorly run board meetings.

Ten Commandments for Better Tree Board Meetings

In the interest of keeping meetings productive and interest levels high, try these techniques.

- 1. **Send reminders.** Nothing kills productivity like missing members or unfilled assignments. The chair or secretary should email or phone members a few days ahead of each meeting to serve as a reminder. Members that are consistently absent should be replaced.
- 2. **Start on time – and stay on time.** Time is a person's most valuable possession. The board chair needs to respect this and clearly ask members to do likewise.
- 3. **Provide for comfort.** The meeting room, including chairs and room temperature, are important. A pleasant, dignified meeting room will add an ambience of importance to the tree board's work. Beverages and treats help, too.
- 4. **Have a purpose.** If there is nothing to meet about, cancel the meeting! But there usually are matters for an active tree board to address. The chair should think in advance about what specifically needs to be accomplished at every meeting.
- 5. **Use an agenda.** Always have a printed agenda ready at the meeting – and use it. Begin by asking if there are additional items and add any that need attention that day. Either formally or informally assign a time limit to each item and use that to comply with number 2 above.
- 6. **Leaders should lead, not take minutes.** It is the secretary's job to keep the minutes. This frees the chair to conduct the meeting and focus on the discussions.
- 7. **Manage discussion.** The chair needs to be sensitive to the fact that some people tend to dominate discussions. It is the chair's responsibility not only to keep discussion of any item from dragging on beyond the point of usefulness, but to also draw out those who are more reluctant to speak up on their own.
- 8. **Add variety.** Board meetings will remain appealing to members if they are not the same time after time. Include in your meetings guest speakers occasionally and training materials – especially good audio-visuals.
- 9. **Summarize.** At the end of the meeting, review any assignments given to members and make certain that each has a clear due date. (Note: Members who habitually forget or miss deadlines are usually the ones who do not take notes. If this is the case, watch for an opportune time in private and suggest that it would help if they would at least make notations on their agenda sheets.)
- 10. **End on time.** Remember the 'precious possession' concept and recognize that board members have other obligations and will appreciate being sure they can depend on leaving at a specific time.



Dmitry Shironosov / iStockphoto

Good leadership is reflected in conducting meetings in a way that tree board members will want to attend.

Projects Keep Interest High

Productive tree boards are busy tree boards. No one wants to be part of a volunteer organization that does little or nothing. Members of tree boards are usually highly motivated individuals who care about their community and their environment. And while Arbor Day – the main annual event for most tree boards – takes energy and creative thinking, here are some examples of other beneficial projects conducted by active tree boards.

Educational Booths and Displays

It is a rare tree board that does not want to educate residents about the benefits and care of trees. One way to do this is to sponsor booths at community events. The key to a good display is having something large and eye-catching and then providing something of value. The ‘give-away’ may be literature about trees (See page 8), free trees, tickets for a drawing, or promotional products like sun visors, fans, tote bags and other useful items.



Garth Davis



James R. Fazio

Educational displays benefit the community and can keep board members active throughout the year planning and serving as exhibit staff. In Spokane, Washington (left), the Urban Forestry Tree Committee and Urban Forestry Citizen’s Advisory Committee are joined by over a dozen other organizations at the Fall Leaf Festival in Finch Arboretum. The Moscow, Idaho Tree Commission (right) displays at the county fair and the summer/fall farmer’s market. A popular feature at the fair is a raffle for several potted trees that are also on display.

Publications and PSA’s

Many tree boards produce publications such as heritage tree maps, planting guides, and leaflets used to explain a tree ordinance, planting and pruning correctly, and similar information. In Lewiston, Idaho the board went even further and created public service announcements for TV on the benefits and care of trees – including playing acting roles in the productions.

tree-related needs. Other communities sometimes propagate nursery stock, prune young trees, spread mulch, and place informative door knob hangers in neighborhoods.

Hands-on Projects

Tiny LeVeta, Colorado with a population of 834, has a model of a tree board “that gets things done.” Members not only plant trees, they have: restored greenways and added flower beds; supervised contract pruning; helped the maintenance crew chip tree branches; sprayed a dormancy oil to control elm scale; and shouldered the manual labor for other

Unlimited Opportunities

Year-round projects are limited only by the imagination and interests of the tree board members. An annual ‘brainstorming’ session can produce a list of potential projects. Sometimes projects come in the form of emergencies. When a tornado destroyed large numbers of trees in Windsor, Colorado, the tree board took the leadership for raising money to restore the city’s tree canopy. The board then marshaled volunteers for planting in parks and along the streets, and even helped make planting on private property easier for victims of the storm.

Building Capacity

‘Capacity’ is a term heard often these days in organizations of all kinds. In its social context, building capacity means ‘maximizing possible output.’ It begins with providing the knowledge needed to develop competence. When competence is combined with enthusiasm it can lead to the kind of leadership that makes great tree board members.

The Arbor Day Foundation has long recognized the importance of developing the skills of tree board members. In 1997, under the authorship of pioneering urban forester Gene W. Grey, *A Handbook for Tree Board Members* was published. In 2010, this popular publication was supplemented with a new online educational opportunity – Tree Board University. This interactive course was funded by the USDA Forest

Service and developed in cooperation with the Oregon Department of Forestry and Texas Agri-Life Extension.

Tree Board University is an excellent way to provide high quality training for both new and experienced tree board members. The course is free and can be taken at one’s own pace and with all learning materials – including helpful visual aids – provided via internet. To enroll, go to www.treeboardu.org.

Tree Board University—Overview of Online Course Content

Module 1: Tree Board 101. A discussion of the basics of what effective tree boards do and how to attain greatness through better organization and understanding of group dynamics.

Module 2: Partnerships and Collaboration. This section of the course emphasizes the importance of partnerships, recommends those that have proven successful, and provides insights on how to make them work.

Module 3: Engaging in the Political Process. The basics about local government, the role of urban forestry in the broader context of state and national roles, and ‘how-to’ information for promoting trees in the community.


Module 4: Community Forestry Planning. From visioning to written plans and final evaluations, what every tree board needs to know in order to bring improvement to the community and stay on track.

Module 5: Communication and Marketing. How to effectively advocate for trees, work with the mass media, and educate citizens about the important benefits provided by trees.

Module 6: Financing, Budgeting, Grants, Fundraising. Great suggestions for providing the money necessary to support urban forestry.

Module 7: Getting Things Done: This section ties much of the course content together to assure a stronger tree board, better events and successful projects.

Module 8: Moving Forward: The concluding module provides helpful resources and direction for ‘where to go from here.’



The Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the USDA Forest Service and National Association of State Foresters. To achieve the national recognition of being named as a Tree City USA, a town or city must meet four standards:

- Standard 1: A Tree Board or Department
- Standard 2: A Tree Care Ordinance
- Standard 3: An Annual Community Forestry Program
- Standard 4: An Arbor Day Observance and Proclamation

Each recognized community receives a Tree City USA flag, plaque, and community entrance signs. Towns and cities of every size can qualify. Tree City USA application information is available from your state forester or the Arbor Day Foundation.

Tree City USA Growth Award

Initiating training for volunteers and/or city staff through participation in Tree Board University can help qualify for a Tree City USA Growth Award.



(a) *Intent and purpose.* The purpose and intent of this article is to establish protective regulations for trees in the city and the planting of an acceptable tree in another place on the same property or in a public place. This article also encourages the protection of trees which the city has recognized, and which the city stands to lose unless protective measures are taken. It shall be unlawful to cut down, remove, damage, poison, detrimentally alter or in any other manner destroy or cause to be destroyed any trees covered by this article, except in accordance with the provisions of this article.

(b) *Definitions.* The following words, terms, and phrases when used in this article shall be defined as follows:

Arborist means a professional arborist recognized and certified by the International Society of Arboriculture (ISA) as an ISA certified arborist municipal specialist (preferred) or an ISA certified arborist.

Clearing means the removal of a tree by digging, pushing, or cutting, or the effective removal through damage.

Dead or beyond recovery means more than 50 percent of the tree is dead, is a hazardous tree as defined herein, or in a state of irrecoverable decline.

Diameter breast height (DBH) means the diameter, in inches, of a tree measured at four and one-half feet above the existing grade.

Dripline means an imaginary line on the ground defined by vertical lines which extend from the outermost tips of the tree branches to the ground.

Hazardous tree means a tree irreparably diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and or preventative procedures and pesticides such that the public health or safety requires its removal.

Public tree means any tree existing or proposed on city owned property.

Private tree means any tree existing in privately held land.

Removal of a tree means either actually removing a tree from the ground in which it grew, transplanting a tree, or effectively removing a tree through damage to the trunk, topping, damaging, or removing major limbs, roots, or enough canopy volume so that the tree dies, declines beyond recovery, or becomes a hazard to public safety and must be removed. Tree stump must be removed to a depth of six inches below the surface of the ground. Once removal begins it must be completed within 60 days.

Tree means any living, woody, self-supporting perennial plant which normally grows to a minimum height of 15 feet.

Trees, stand of, means a naturally occurring grouping of five or more trees forming a canopy of vegetation which results in a single unified dripline.

(c) *Exceptions and exemptions.*

(1) *Exceptions.* The requirements of this section shall apply to all property in the city except those used for the following purposes:

- a. Commercial plant nursery or tree farm;
- b. Public right-of-way or easement; and
- c. A residential property owner who obtains documentation or a report 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, provided that the residential property owner provides a copy of the documentation or report to the city within ten days of receipt of the documentation or the report. The city may, at the city's expense, have the city's arborist review the documentation or report and inspect the tree(s) set forth therein for verification purposes.
- d. A residential property owner that is exempted under subsection (c) is not required to replant a tree that was pruned, trimmed, or removed in accordance with this section, nor is that residential property owner required to contribute to the city's tree fund so long as the documentation or report complies with subsection (c).

(2) *Exemptions.* In the case of an emergency such as a hurricane, flood or other disaster, or agricultural diseases, the city manager or the city manager's designee may waive the requirements of this section so as to not hamper public and/or private work to restore order.

(d) *Requirements.*

(1) No tree with a DBH of six inches or greater, shall be removed from any developed property; and

(2)

Land clearing for development shall occur in the city without the owner first obtaining a permit from the city. The city manager or manager's designee may issue a tree removal permit.

- (3) *Review fee; survey information.* The owner of the property shall submit a review fee, set by the city council, a tree removal permit application, and a tree survey consisting of the following information:
- a. A scaled aerial photograph or drawing (minimum one inch equals 300 feet);
 - b. Property boundaries;
 - c. Identify location, names and heights of all stands of trees;
 - d. Identify location, DBH, names and height of all individual trees, which are six inches DBH or greater;
 - e. Indicate which trees are proposed for removal and identify the tree with a direction and distance from a fixed landmark;
 - f. Reason for removal; and
 - g. If applicable, the name of the commercial tree removal service that will be used to remove the tree(s).
 - h. All trees scheduled for removal shall be marked with red paint. In addition, prior to the issuance of a permit, the city manager, or the city manager's designee, will meet with the developer or owner representative and be shown the trees designated to be removed according to the site plan. The city representative will take a photo, or video, of the tree(s) to be removed. At the project completion, the city representative will return to the site to verify the correct trees have been removed. For new developments, no certificate of occupancy will be issued until the city has verified the correct trees have been removed.

In the event the city manager or city manager's designee is unable to determine whether the criteria for removal are met, an additional fee, to be established by city council, shall be required for review by an arborist. In lieu of paying the additional fee, the property owner, at their own expense, may provide an independent arborist's opinion; provided, however, that said arborist shall not be employed by the tree removal service hired by the property owner, if any. Any person denied a permit for removal by the city manager may within five working days after issuance of the denial by the city manager file a written request for an appeal of the decision before the tree board. Hearing the appeal shall be set at a regular or special meeting of the tree board to be held not earlier than seven working days or later than 30 days after the filing of such request. The person appealing the city manager's decision shall be given at least five working days' written notice of the time and place of the meeting. At the completion of the meeting, the tree board shall decide whether or not the permit denial was justified and whether or not the denial should be upheld. In the event the tree board overturns the city manager's decision, the permit shall be issued. The decision of the tree board is final.

- (4) *Use of unregistered tree removal service and/or landscape architect prohibited.* No commercial tree removal service shall be used by the owner or occupant of the property unless the service has first registered with the city. A violation of this subsection (d)(4) may be brought before the city code enforcement magistrate pursuant to section 14-31, et al., as an irreversible violation subject to imposition of a fine not to exceed \$5,000.00 per violation.
- (5) *Registration requirements for tree removal service and/or landscape architect.* Any commercial tree removal service which desires to provide tree removal services within the city must first register with the city by providing its business name, local business tax receipt number, contact person, address and telephone number. Upon registration, the tree removal service shall be provided information regarding the city's permitting requirements as set out in this section 48-63. A list of those tree services registered with the city will be available in the city clerk's office. The city keeps a list of businesses that are allowed to operate in the city. This list is to assist in providing residents with a variety of choices for a service or product. Any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise, is not an endorsement or recommendation by the city or its employees. Further, the city does not endorse or recommend any commercial products, processes, or services. The city will not recommend one tree service over another to residents. In the event any registered tree removal service is determined by the city manager or designee to have violated the city's requirements for tree removal, that service shall be removed from the list of registered services with written notice mailed to the service. Any tree removal service that has been removed from the list may make a request in writing to the city clerk for a hearing before city council to appeal the removal.
- (6) *Criteria for recommended tree removal.* Tree removal may be approved where design modifications are not feasible or reasonable and one or more of the following circumstances exist:
- a. The location of the tree restricts the opening of a street or road right-of-way.
 - b. The location of the tree restricts the construction of utility lines or drainage facilities.
 - c. The location of the tree restricts access to the property.

- d. The location of the tree restricts a use of the property consistent with all other city regulations.
 - e. The tree constitutes a hazard to life or property which cannot be mitigated without removing the tree.
 - f. The tree is dying or dead such that its restoration to sound condition is not practical, or it has a disease which can be expected to be transmitted to other trees and endanger their health.
 - g. The selective removal of up to 25 percent of existing trees, with a DBH of six inches or less, to provide increased light and air circulation.
 - h. Removal of the tree is required, in writing, by the homeowners' insurance company or proposed insurance company.
- (7) *Replacement of trees.* Trees with a DBH of up to four inches and/or restricted trees, regardless of DBH, that are approved for removal shall not require replacement. All replacement trees should have a minimum DBH of four inches.

DBH—Removal Tree	Number of Replacement Trees
4" up to but not including 12"	1 tree
12" up to but not including 18"	2 trees
18" or greater	3 trees

- (8) *Suggested and restricted trees.*
- a. *Suggested trees.* The city council, by resolution, will adopt a list of trees for planting. This suggested tree list will be on file in the city clerk's office and on the back of the tree removal permit.
 - b. *Restricted trees.* The city council will adopt, by resolution, a list of restricted trees which will be kept on file in the city clerk's office and on the back of the tree removal permit.
- (9) *New developments.*
- a. *Subdivisions.* The information required in subsection (d)(1) shall be submitted as part of the preliminary plat for all new residential and nonresidential subdivisions. The final plat approval shall constitute a tree removal permit for the purposes of this section.
 - b. *Site plans.* The information required in subsection (d)(1) shall be submitted as part of the site plan for all new commercial, professional-office, industrial and multifamily residential developments. The building permit shall constitute a tree removal permit for the purposes of this section.
 - c. *Tree protection during construction.*
 1. Following development approval, it shall be unlawful for any person, during the construction of any structures or other improvements, to place solvents, material, construction machinery or temporary soil deposits within the dripline of any tree designated to remain.
 2. It shall be the responsibility of the developer or applicant to ensure that any tree designated to remain be protected. The property owner shall guarantee survival of retained or replacement trees for one year from the acceptance of the subdivision improvements by the city or the issuance of a certificate of occupancy for site plans, whichever is later.
 3. If posts are used as protective barriers, they shall be placed at points not closer than one-half the radius of the dripline of the protected tree. Each section of the barrier shall be clearly visible (flagged with brightly colored plastic tapes or other markers). No attachments or wires other than those of a protective or nondamaging nature shall be attached to any tree.
 4. The city may conduct periodic inspections of the site. It is the responsibility of the applicant to ensure that all provisions of this section are met.
- (10) *Spacing.* Trees with the capability of exceeding 30 feet in height must not be planted less than 25 feet from a property line; except in special plantings designed or approved by a landscape architect.
- (11) *Distance from curb and sidewalk.*

- a. The distance trees may be planted from curbs or curb lines and sidewalks must have a 4-foot setback.
- b. The use of root barriers is required and determined at the discretion of the city manager.

(12) *Distance from street corners and fireplugs.*

- a. No tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. No tree shall be planted closer than ten feet from any fireplug.
- b. No tree which may reach a height of 15 feet or more may be planted less than 25 feet from the foundation of any public or commercial structure.
- c. The use of root barriers is required and determined at the discretion of the city manager.

(13) *Utilities.*

- a. No trees may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.
- b. The use of root barriers is required and determined at the discretion of the city manager.

(14) *Public tree care.*

- a. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds and city rights-of-way, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- b. The city may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of trees by adjacent property owners providing that the selection and location of said trees is in accordance with subsection (8)(a) of this section.
- c. It is unlawful for any person to:
 - 1. Fasten a carriage, animal, bike, motor vehicle of any kind to any tree, shrub, tree guard or tree support.
 - 2. Authorize or procure any gas, hot water, brine, oil, herbicide, pesticide, chemicals, dye, or other substance detrimental to tree life to lay, pour, flow, leak, or drip into the soil about the base of a tree in any public highway, street, avenue, public right-of-way, or public place.
 - 3. Allow a tree on public right-of-way to be injured or removed during the erection, repair, removal or alteration of any building or structure.
 - 4. Build or kindle a fire near any tree or any public right-of-way, as to endanger the trunk, limb, or foliage of such tree.
 - 5. Attach any advertisements to any tree or shrub in any street, highway, avenue or public right-of-way.
 - 6. Lay any pavement within three feet of the base of the trunk of any tree on public right-of-way or deposit any stone, gravel, cement, lumber, or other materials in such a way as to obstruct the free access of air and water to the roots of any tree in such right-of-way.
 - 7. Attach or keep attached to any public tree any ropes, wires, chains, or other device whatsoever, except that the same may be attached to any tree as support or protection thereof. This prohibition shall not apply to the seasonal attachment of holidays lights.
 - 8. During the erection, repair, alteration or removal of any building, sidewalk, or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave any public tree in the vicinity of such building or structure without good and sufficient guard or protector as to prevent injury to such tree or its roots arising out of, or by reason of such erection, repair, alteration or removal.
 - 9. Abuse, destroy or mutilate any public tree.
 - 10. Perform any minor tree work on any public tree without a permit.

(15) *Tree topping and/or hat racking.* It shall be unlawful for any person, firm, or city department to top and/or hat rack any tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Hat racking is defined as the destructive

act of improperly trimming a tree, leaving stubs, tears, stripped branches, unnecessary wounds and other irreparable damage. damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the city manager.

(16) *Pruning and corner clearance by private property owners and by utilities.*

- a. Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 14 feet above the surface of the street and eight feet above the surface of the sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a hazard to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.
- b. Pruning for or by utility will require the franchise to obtain a written permit from the city. A city franchised utility maintaining its utility system in the street may prune or cause to be pruned, in accordance with this chapter and using proper arboricultural practices in accordance with the permit, any tree located in or overhanging the street which interfered with any light, pole, wire, cable, appliance or apparatus used in connection with or as part of a utility system. The permit may be issued as a city-wide permit valid for one year if the utility adequately demonstrates the ability to meet the performance requirements of this chapter and to consistently apply proper arboricultural practices to the pruning of trees.
- c. The utility shall provide the city written notice of any pruning work at least three working days prior to the start of the work.
- d. In those cases where a tree cannot be pruned in such a manner as to preserve the physical or aesthetic integrity of the tree, the tree may be removed and replaced by the utility at its own expense and in compliance with the replacement provision of this chapter.

(17) *Dead or diseased tree removal on private property.* The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The city will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

(18) *Removal of stumps.* In addition to the standards of the national arborist association, all stumps of street and park trees shall be removed to a depth of six inches below the surface of the ground.

(19) *Sidewalk, walkway, curbing or roadways damaged by roots.* Any street and park trees whose roots have damaged any sidewalks, curbing, roadways and the owner is unable to remove the hazard by root grinding the tree will be removed at city expense and replaced with a recommended tree species. The owner of the property will be given a choice of not less than three tree species for replacement. Replacement will take place within one year of removal at the convenience of city and owner.

(20) *Interference with city.* It shall be unlawful for any person to prevent, delay or interfere with the city, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any trees on private grounds, as authorized in this ordinance.

(21) Tree replacement must be completed within 12 months of the approved removal application.

(e) *Penalties.*

(1) Violations of this section shall be subject to the following:

- a. Where violations of this section have occurred, remedial action shall be taken to restore the property consistent with a restoration plan approved by the city manager or the city manager's designee. The restoration plan shall require tree replacement according to the following:

DBH—Removal Tree	Number of Replacement Trees
4" up to but not including 12"	1 tree
12" up to but not including 18"	2 trees

- b. No certificate of occupancy or certificate of completion shall be issued for any development or project until all applicable permit or restoration plan conditions have been accomplished. For developed properties, failure to take the remedial action required by the restoration plan shall constitute a continuing violation of this section, and shall be referred to the code enforcement magistrate for enforcement as provided by chapter 14, article II of this code; and
 - c. Any person or persons found in violation of this section shall be fined by an amount set by the city council.
 - d. Any person or persons who violate any of the provisions of this chapter shall be required to reimburse the city for any costs incurred for treatment or removal and replacement of the tree or repair of the box or casing around the tree, including total personnel services, costs, materials and an additional charge of ten percent for administrative overhead.
 - e. If, as the result of the violation of this chapter, the injury, mutilation, or death of a public tree or vegetation located in a right-of-way is caused, the cost of care, repair or replacement of a similar size tree or vegetation shall be borne by the party in violation. Replacement cost includes the cost of tree or vegetation and stump removal will be determined by the market intrinsic value.
 - f. For new development, the developer, or property owner is responsible to insure the planted trees and shrubs have the proper care for a period of one year after the project close-out. The developer may be required to issue a performance bond, or place a deposit, with the city in the event the trees need to be replaced within the one-year period.
 - g. Any person or persons who have previously been found in violation of this section may be required to post additional assurances in the form of performance bond, cash, or any other financial vehicle acceptable to the city.
- (2) *Tree trust fund.* In lieu of tree replacement as required by subsection (d)(5), the city manager may approve the payment by the owner in an amount set by the city council per tree removed but not replaced to be paid into a tree trust fund. The tree trust fund shall be established from all monies collected pursuant to this section 48-63. The tree trust fund shall be used to plant trees of the recommended species on public property, such as, but not limited to, public parks and rights-of-way. The tree trust fund may also be used to fund grants to private individuals who establish financial need to replace trees that are removed pursuant to this section.

(Ord. No. 92-6, ch. V, art. B, § 2, 12-15-1992; Ord. No. 04-14, 9-7-2004; Ord. No. 07-03, § 1, 3-6-2007; Ord. No. 08-26, § 1, 11-5-2008; Ord. No. 08-30, § 1, 1-6-2009; Ord. No. 18-02, § 1, 2-5-2019; Ord. No. 20-01, 3-3-2020; Ord. No. 21-08, § 3, 8-17-2021)



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809
 Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov

Section 4, Item d.

Tree Removal Permit Application-Developed Property

*Tree Removal permits are required to meet the conditions under the **Ordinance CH 48, ART III, SEC 48-63 – HB 1159***
 Tree Protection -www.municode.com

Parcel ID	Permit #
Property Owners Name	Owners Phone Number
Property Address	
Party Responsible for Tree Removal	Contractor Phone Number

The contractor must be registered with the City or be subject to a \$5,000.00 fine per LDC, Ch 48 Art III, Sec48

Reason for Removal Request

- The permit application fee of \$25 is due before the permit issuance.
- ISA Certified Arborist/Landscape Architect report is required with the application. Species and DBH of a tree(s) to be removed must be included in the report.
- Tree removal permits must meet all criteria under Section 48-63 – Tree Protection, summarized on the reverse side of this form.
- The applicant MUST check each box below. The issued permit, in its entirety, must be posted at the job site. This Permit is valid for six months from the approval date. Replacement trees and inspections must be requested by calling 407-851-7730 or emailing admin@belleislefl.gov within the six-month period.

<ol style="list-style-type: none"> 1. I have attached a map/survey showing the location of the tree(s) to be removed. 2. I understand that there will be a fine of \$200.00 per tree having a DBH of less than 12", \$400 for less than 18", and \$600 for each tree with a DBH of 18" or more removed in violation of the Ordinance. 3. I understand a report from the City Arborist may be required. 4. I understand the arborist report will certify whether the criteria for tree removal are met. 5. I understand that the arborist fee is non-refundable whether the permit application is approved or denied. 6. I understand that replacement trees must meet the requirements established in the Ordinance (see www.municode.com for a full copy of the code). 	<ol style="list-style-type: none"> 7. I will submit a plan specifying the location and type of replacement trees to City Hall. I understand that replacement trees are required to be planted within six months of permit approval. 8. I understand that trees requested for removal must be visibly marked or tagged to be easily identified. 9. All commercial tree removal services must be registered with the City before the commencement of work. The Contractor Registration Form is available on the City's website www.belleislefl.gov. 10. The Commercial Tree Removal Company must remove all tree debris. Homeowners will be required to meet all criteria for yard waste for curbside removal. Waste pickup information is available on the City's website.
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APPLICANT CERTIFICATION (Owner or Applicant acting as Owner's Representative): I certify that all information supplied with this application is true and accurate to the best of my knowledge and belief.

Owner Print	Signature	Date
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FOR OFFICE USE

Arborist / Hazardous Tree Report Received If yes, no application fee is required. ISA #	YES	NO	ZONING APPROVED SIGNATURE	APPLICATION FEE: \$25 TYPE OF PAYMENT
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Please refer to the Code of Ordinances of Belle Isle, Florida, at www.municiodo.com to view a full copy of the City Ordinance Chapter 48, Art 111, Section 48-63(d).
Tree Protection – HB 1159

No permit/fee is required if a report or documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect is provided that demonstrates the tree’s danger to person or property. Documentation must be provided to the City within ten days of receipt.

-A permit is required for the removal of a healthy tree for the following circumstances:

1. The location of the tree restricts the opening of a street or road right-of-way.
2. The location of the tree restricts the construction of utility lines or drainage facilities.
3. The location of the tree restricts access to the property.
4. The location of the tree restricts access to the property
5. The area of the tree restricts the use of the property consistent with all other city regulations
6. The selective removal of up to 25% of existing trees with a diameter at breast height (DBH) of less than six inches to provide increased light and air circulation.
7. Removal of the tree is required, in writing, by the homeowners’ insurance company or proposed insurance company.

-Replacement Trees

- Replacement trees should have a minimum DBH of four inches

DBH of Removal Tree	Number of Replacement Trees
Less than 12-inches	1
12 inches to less than 18 inches	2
18-inches or greater	3

Restricted Tree List

- **Brazilian Pepper**
- **Camphor**
- **Chinese Tallow**
- **Melaleuca (Paper Bark)**
- **Mimosa (Silk Tree)**

Suggested Tree List¹

-Tall Shade Trees (mature height of 50-70+ feet)

- Bald Cypress
- Hickory
- Oaks (Sand Live, Shumard, Swamp Chestnut, Willow, Nuttal, Overcup)
- Podocarpus
- Pond Cypress
- Red Cedar
- Red Maple and Cultivars
- Southern Live Oak and Cultivars
- Southern Magnolia and Cultivars
- Sugarberry
- Viburnum
- Tulip Poplar
- Sweetgum
- Sycamore
- Pine (Longleaf, Slash)

-Medium Trees (mature height of 30-45 feet)

- American Hornbeam
- Cherry Laurel
- Elms (Allee, Drake, Winged)
- Dogwood
- Jerusalem Thorn
- Magnolia (Bracken Brown, Beauty, Little Gem, Sweet Bay)
- Redbud
- Riverbirch (Duraheat)
- Southern Red Cedar
- Tabebuia (Pink Trumpet)
- Fringe

-Understory Trees (mature height of 15-25 feet)

- Bottlebrush
- Crape Myrtle
- Plum (Chicksaw, Flatwoods)
- Japanese Blueberry
- Ligustrum
- Orchid Tree
- Tabebuia (Golden Trumpet)
- Tibouchina (Purple Glory Tree) Walter’s
- Wax Myrtle
- Weaver’s White – Flowering Dogwood
- Holly (Dahoon, Yaupon, Eagleston)

¹ Additional varieties of trees are suitable for Central Florida. Please contact UF/IFAS Extension Orange County Office at 407-254-9200 or orange@ifas.ufl.edu

From: J. Giffin Chumley <JGC@fishbacklaw.com>
Sent: Monday, February 26, 2024 12:42 PM
To: Raquel Lozano
Cc: Dan Langley; Sonia Cifuentes; Anne Knights-Borel
Subject: RE: City of Belle Isle - Request for Legal Opinion - Tree Protection Ordinance and State Preemption

Raquel,

- If the Code can **require** residents to replant a tree (should they seek to remove a healthy tree without a certified Arborist Report available);
 - A. Yes. § 163.045(2), Florida Statutes, only protects an individual if that person has documentation from a certified arborist or landscape architect. If there is no documentation, then the statute would not apply.
- If the City can **require** a 48-hour notice for tree removals (should they possess a certified Arborist Report).
 - A. No. § 163.045(2), Florida Statutes, expressly states that the city cannot 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 possesses documentation by a certified arborist (or landscape architect) that the tree poses an unacceptable risk to persons or property.
- Under section 48-63(D)(7), the Code currently states, “Trees with a DBH of up to four inches and/or restricted trees, regardless of DBH, that are approved for removal **shall not require replacement**. All replacement trees **should** have a minimum DBH of four inches.” Here is a link to the section: https://library.municode.com/fl/belle_isle/codes/code_of_ordinances?nodeId=SPBLADECO_CH48ENRE_ARTIIC_O_S48-63TRPR
 - A. I believe this section is merely intended to implement a policy whereby smaller trees or undesirable trees (likely species that have been determined to be invasive) need not be replaced and that any replacement trees be of a minimum size. I am not aware of this causing any issues unless the Council wants to revise it.
- To review the attached Tree Permit form for legal definitions for Tree Removal requirements;
 - A. I do not see any issues with the permit form other than that it calls for an arborist’s or landscape architect’s report. Again, if they have a report (stating that it poses an unacceptable risk to persons or property), we cannot require them to have a permit or provide notice. However, I can see how it could be required if the arborist or landscape architect is speaking to something other than an “unacceptable risk to persons or property.”
- To determine if the City can implement policies to better control tree removals;
 - A. Yes. The City can implement policies to better control tree removals (Winter Park has some great examples of this); however, there is not much the City can do if a resident obtains document from a certified arborist or landscape architect stating that the tree poses an unacceptable risk to persons or property.
- To determine if a “stop-gap” can be instituted on newly purchased properties to ensure that no trees are removed without city approval or city notice; and
 - A. Maybe. The City can likely do this for persons who do not have the triggering documentation under § 163.045, Florida Statutes, but if the resident has the documentation, such a measure would not apply.

- To determine if the City can require a Tree Permit submission, even if the applicant has an Arborist Report Section 4, Item e.

A. No. The City cannot require a tree permit submission per § 163.045(2), Florida Statutes, if the person removing the tree has the requisite documentation. Absent the documentation, however, the city may require such.

If you have any additional questions, please let me know.

Thanks,

J. Giffin Chumley, B.C.S.

Partner

Fishback Dominick

A: 1947 Lee Road, Winter Park, FL 32789

P: (407) 262-8400

F: (407) 262-8402

E: gchumley@fishbacklaw.com

W: fishbacklaw.com



Board Certified in City, County and Local Government Law

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ATTORNEYS AND COUNSELORS AT LAW



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From: Dan Langley <dlangley@fishbacklaw.com>

Sent: Friday, February 23, 2024 2:17 PM

To: J. Giffin Chumley <JGC@fishbacklaw.com>

Subject: FW: City of Belle Isle - Request for Legal Opinion - Tree Protection Ordinance and State Preemption

Giffin:

Can you handle this matter?

Daniel W. Langley

Fishback Dominick

1947 Lee Road

Winter Park, Florida 32789

Telephone (407) 262-8400

Email: dlangley@fishbacklaw.com

Board Certified in City, County and Local Government Law



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2022518er

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.

2022518er

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.