



# Tree Removal Without A Permit

Citizen's Right to Exercise **FS163.045**  
(formerly **HB1159** –Private Property Rights)  
**Chapter No. 2019-155**

**FS 163.045** outlines the documentation and requirements for citizens to remove dangerous trees without a permit. The checklist below should be used as a reference to ensure compliance with the statute.

**Reference:**

**FS 163.045 Tree pruning, trimming, or removal on residential property**

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

(a) "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.

(b) "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.

(2) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner possesses documentation from an arborist certified by the ISA or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal 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).

[Verify ISA Certification for Certified Arborist](#) | [Verify Landscape Architect](#)

**Property Address:** \_\_\_\_\_ **Folio:** \_\_\_\_\_

**This property meets the definition (above) of residential property.**

Detailed written report or other accompanying documentation provided by:

**ISA Certified Arborist**

**Landscape Architect**

**Does Assessor's Documentation contain ALL the following information?** Check boxes only when provided

**Certification # and/or License# verified through the appropriate link above**

**Scope of work for the report**

Description of why the Arborist/Landscape Architect was hired

**Date of assessment**

**Location of the tree(s)**

Evaluated on the site

**Species identification of the tree(s)**

Evaluated on the site

**DBH of the tree(s)**

Evaluated on the site

**Level of inspection**

Performed in the report



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- Targets of concern**  
home, walkway, park bench, etc.
- Occupancy rates with likelihood of impacting the target, and potential consequences of failure**  
Evaluated on the site
- Site factors that were considered during this evaluation**  
Recent changes to tree such as construction or history of failure
- Likelihood of failure**  
List of tree conditions, defects, response growth observed with measurements, etc.
- Risk rating and includes information on failure/target**  
Example: Moderate risk rating, picnic bench under the assessed tree
- All options and/or recommendations provided for mitigation**  
Example: Relocate the picnic table out from under the canopy of the tree to reduce to risk or prune limb off completely
- Residual risk information**  
Risk remaining after mitigation. Examples: Owner refuses to relocate tree, then risk becomes moderate again and was not reduced to low. Owner makes decision to remove tree and must obtain a permit because the tree risk assessor offered mitigation options and the owner chose not to enact their recommendation. The tree company did not state removal of the entire tree.
- A time frame for reassessment**  
Example: Reinspection of tree or tree part in 2 years
- Limitations of the assessment**  
Example: Tree risk is limited in scope to the specific risks or interest, not all risks.

**STAFF DECISION (for staff use only):**

Does the Report/Documentation meet the law's requirement for sufficiency and acceptance?

- Yes       No

Reviewer: \_\_\_\_\_ Date \_\_\_\_\_