

## Arborist Licensure in Florida

Will our third try be the charm?

Norm Easey, CEO

One of President Rob Calley's presidential initiatives during his year as our President was to pursue, once again, lobbying the Florida legislature to regulate the practice of arboriculture. The Florida Chapter tried making this appeal twice before in 2005 and 2006; both efforts were unsuccessful. Unfortunately, the frequency of deaths and morbidity that is so common in the care of trees has not gotten better.

President Calley made a passionate plea to the Florida ISA Board and the Board agreed to try again. The first step was to determine Florida ISA's lobbying limitations as we are a 501c3 non-profit. An attorney was hired to research the issue and define our limitations. The research revealed some limitations, however, there was a clear legal path for us to lobby on behalf of the tree care industry. At that point President Calley appointed a Task Force whose job it was to continue the process towards lobbying the Florida Legislature and Governor to regulate the practice of arboriculture.

The Tree Care Licensing Committee was charged with investigating the opportunities, methods, timing, and merits of pursuing another attempt to petition the Florida Legislature to regulate the practice of arboriculture in the State of Florida. The committee was officially formed by President Calley during the June 12 Board Meeting. President Calley appointed Barry Grubb as Chair. Chairperson Grubb appointed committee members Rob Calley, Ronnie Simpson, Andrew Koeser, Bonnie Marshall, Norm Easey, and Erik Nobs to serve on the committee.

The committee decided to pursue four steps to help the Board make this decision. Their first step was to design and implement a membership survey to assess how the membership currently feels about undertaking another licensure effort. Secondly, the committee conducted a lobbyist search to seek out an experienced and qualified lobbyist to recommend to the board. Third, the committee researched other states that license arboriculture to look for a model to pattern. Finally, the committee synthesized the data that was collected and debated the pros and cons regarding arborist licensure.

The survey results indicated that in general 76% of the membership is in favor of pursuing licensure, however of those, 12% do not agree with the timing because of the current political climate. Of those that said it was 'not very important', or 'not important', 14% of them explained that they were for licensure but the timing due to the political climate is their reason for not moving forward. Also, it was clear from the survey results that many in our membership do not fully understand what arboriculture licensure means. The survey was sent to 1415 Chapter members and 256 responded.

The committee researched the names of lobbyists and reduced them to three companies to interview. Interviews were conducted and a lobbyist evaluation process was designed and executed. **The Committee recommended that the Board hire lobbyist Jim Spratt with Magnolia Strategies, LLC.** The committee was advised by CEO Norm Easey to research the success achieved by the State of New Jersey. New Jersey is the latest state to license the practice of arboriculture. A conference call was conducted with Steve Chisholm to discuss New Jersey's efforts and methods for success. More information will need to be collected from arborists from New Jersey. Visit [www.njtreeexperts.org](http://www.njtreeexperts.org) for more information on NJ law. Steve reported collaboration with other organizations was key to successful NJ law. The New Jersey arborists were also able to keep lobbying expenses over seven years

to less than \$50,000. **The Committee recommended that we use New Jersey as a model for our arboriculture regulations.**

Finally, the committee debated whether we should recommend moving ahead with a licensure effort now. All on the committee agreed that licensure will be needed to lower the fatalities, severe injuries, and poor arboriculture that is now all too common in Florida. In the end it was determined that for the last 27 years ISA has offered voluntary arborist certification to the arborists in Florida as a means of improving the industry but only 20% of arborists got the certification. The committee also discussed that the Florida ISA has aggressively taught numerous arboriculture seminars (24 per year) statewide from Key West to Ft. Walton Beach for the last 20+ years. And while all this education effort has made a significant impact to the 20% of the industry that participate as certified arborists, it has not made much of an impact on arborist safety or the quality of arboriculture in Florida overall. The Committee also discussed how our previous lobbying efforts did not use grass-roots support nor did it emphasize the death and morbidity associated with this industry. Some on the committee did not feel the timing was right as the legislature and governor are strongly opposed to licensing new industries, and in fact, just last week announced they were de-regulating several existing industries. Never-the-less, the committee ultimately agreed that many more lives will be lost while we wait for the time to be 'right' to improve the practice of arboriculture in Florida. **The committee recommended that the Board move ahead with another licensure effort beginning with the upcoming 2020/2021 legislative session.**

At a special board meeting held on July 9, 2020 the Florida ISA Board of Directors reviewed the report of the Tree Care Licensing Committee, and after considerable discussion, voted to pursue arborist licensure during the upcoming 2020/2021 Florida legislative session. The board also approve hiring lobbyist Jim Spratt of Magnolia Strategies.

The Board also requested that our lobbyist work on refining the new Florida tree law Chapter 2019-155, 163.045, F.S. that preempted local regulation of tree removal or pruning. ISA Certified Arborists were now asked to provide assessments of trees for risk. Unfortunately, the laws language and the language in our Industry Standards (A300 Part 9) do not comport with each other. Specifically, we want to define what is meant by the words "residential property", "danger" and "obtains documentation". We would also like to better define what is meant by "an Arborist who is certified by the International Society of Arboriculture". ISA certifies individuals for several specific skills like Aerial Lift and Climber Specialist, however, those credentials measure an arborists skill at climbing and aerial lift use. The group of arborists that are the most qualified to assess tree risk are those with ISA's Tree Risk Assessment Qualification. Unfortunately, as it is a 'qualification' and not a 'certification' this credential does not comport with the text of the law.

The next step is for our lobbyist to formulate a plan with our Tree Care Licensure Committee to begin lobbying efforts.