

# STAFF INFORMATION

DATE: May 30, 2024

RE: **Request for Tree Commission Resolution Regarding State Law**

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

On July 1, 2019, the State law regarding the removal of hazardous trees on residential properties, was enacted by the State, Florida Statute 163.045.

On July 1, 2022, the Statute was modified/clarified. A copy of this modified statute is attached.

The City has the legal right to request a copy of the documentation from the property owner, for the files. If no documentation is presented, then an enforcement case is initiated.

If documentation is presented, the City doesn't have the ability to question the information or facts in the document and must accept it.

If there is an issue with the facts of the documentation, then anyone can file an ethics complaint against the arborist to ISA (International Society of Arboriculture).

The intent of the State Statute was to help property owners remove or trim trees that potentially impact their property and safety due to the tree condition. Unfortunately, property owners, with the help of some arborists, are abusing the law and successfully removing trees that would not qualify for the State Statute removal based on ISA Tree Risk Assessment guidelines.

Information regarding ISA ethics, Tree Risk Assessment, and ISA guidance regarding the State Statute is attached and website links are located below.

[Home | Florida Tree Law \(ftreelaw.org\)](http://ftreelaw.org)

[New Florida Tree Law – Chapter 2019-155 – Florida Chapter ISA \(floridaisa.org\)](http://floridaisa.org)

## CHAPTER 2022-121

### Committee Substitute for Senate Bill No. 518

An act relating to private property rights to prune, trim, and remove trees; amending s. 163.045, F.S.; defining terms; revising conditions under which 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; specifying when a tree poses an unacceptable risk; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 163.045, Florida Statutes, is amended to read:

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 obtains documentation from an arborist certified by the ISA International Society of Arboriculture or a Florida licensed landscape architect that the tree poses an unacceptable risk presents a danger 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).

(3)(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.

(4)(3) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.

Section 2. This act shall take effect July 1, 2022.

Approved by the Governor May 18, 2022.

Filed in Office Secretary of State May 18, 2022.



**City of Tampa**  
*Jane Castor, Mayor*

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## **MEMORANDUM**

**DATE:** July 20, 2022

**TO:** Natural Resources Department

**FROM:** Gina Grimes, City Attorney  
Cate Wells, Chief Assistant City Attorney  
Ursula Richardson, Chief Assistant City Attorney  
Simone Savino, Assistant City Attorney

**SUBJECT:** Senate Bill 518 / City's Updated Interpretation of the Tree Removal Statutory Exemption, Fla. Stat. Sec. 163.045

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This Memorandum is intended to clarify and supersede the prior memorandum dated August 13, 2019, "House Bill 1159 / City's Interpretation of the Tree Removal Statutory Exemption" ("Statutory Exemption").

During the 2022 Session, the Florida Legislature passed Senate Bill 518, effective July 1, 2022. Senate Bill 518 amends Florida Statutes § 163.045, Tree pruning, trimming or removal on residential property to clarify the 2019 legislation. The issues addressed by Senate Bill 518 were also noted in the landmark case of Vickery v. City of Pensacola which took issue with the statutory terms "documentation" and "danger". Senate Bill 518 included definitions for "documentation" and "residential property" and replaced the standard of "danger" with the standard "poses an unacceptable risk to persons or property."

Given the changes made in Senate Bill 518, the following requirements must be met in order for a property owner to utilize the F.S. § 163.045 to be exempt from the City of Tampa's tree removal permitting requirements:

- **The property owner must possess “documentation” at the time of removal:** “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; **and**
- **The documentation must establish 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); **and**
- **The tree is located on “residential property”:** Residential property is limited to a single-family, detached building located on a lot that is actively used for single-family purposes and that is either a conforming use or a legally recognized nonconforming use.

If all of the above requirements are met, F.S. § 163.045 prohibits the City from requiring notice or a permit to prune, trim, or remove a tree. However, the only manner by which the City can determine whether a tree was removed illegally, or whether the tree was legally removed under the Statutory Exemption, is for the property owner to provide the City with the documentation required by the statute. Therefore, in order to avoid issuance of a notice of violation, the property owner *should provide* the documentation required under the statute to the City, and the City can then determine whether the tree removal qualifies under the Statutory Exemption.

Additionally, as required by F.S. § 163.045(1)(a), the documentation from the certified arborist or licensed landscape architect must include an onsite assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices – Tree Risk Assessment, Second Edition (2017) and must be signed by the certified arborist or licensed landscape architect. The City will require such documentation for each and every tree removed. If the documentation obtained from a certified arborist or licensed landscape architect does not include both an onsite assessment and a signature, then the City cannot properly verify that the tree qualifies for removal under the Statutory Exemption and a notice of violation may be issued.

In making the determination of whether the tree removal qualifies under the Statutory Exemption, the City will accept the determination by an arborist certified by the ISA or licensed landscape architect that: (1) the tree “poses an unacceptable risk to persons or property”; **and** (2) removal is the only means of practically mitigating its risk below moderate, as determined by

the tree risk assessment procedures outlined in Best Management Practice – Tree Risk Assessment Second Edition (2017). The City will not apply its definition of “dangerous tree” or “hazardous tree” in determining whether a tree qualifies for removal under the Statutory Exemption.

Further, as required by F.S. 163.045(1)(b), the tree must be located on residential property, which is now limited to a property on which there is a single-family detached building that is actively used for single-family 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. If the tree is not located on property that meets the statutory definition of residential property, the tree does not qualify for removal under the Statutory Exemption. For example, a tree does not qualify for removal under the Statutory Exemption if it is located on property that is zoned commercial, has commercial use, or a residential property that does not contain any residential structure or contains a duplex, townhome(s) or any other multi-family building.

The City will continue to report to the ISA or the Department of Professional Regulation, as appropriate, if the City finds that documentation is used by a certified arborist or licensed landscape architect to remove tree(s) in violation of the Statutory Exemption.

The City is proudly working in partnership with the Tampa Homeowners Association of Neighborhoods (THAN) as well as the Tampa Tree Advocacy Group (T-TAG) to educate homeowners on the requirements of F.S. § 163.045 as well as the penalties for tree removal without proper documentation.

**ISA CODE OF ETHICS**  
**AND**  
**AGREEMENT AND RELEASE AUTHORIZATION**

The International Society of Arboriculture, Inc. (ISA) is a voluntary, non-profit, professional association. ISA certifies qualified practitioners in the field of arboriculture, who have met the professional knowledge standards established by ISA.

Regardless of any other professional affiliation, this ISA Code of Ethics applies to those individuals seeking ISA certification (candidates), and all individuals certified by the ISA as (credential holders). The ISA Code of Ethics establishes appropriate and enforceable professional conduct standards, and explains the minimal ethical behavior requirements for credential holders and candidates. The ISA Code of Ethics also serves as a professional resource for arborists, as well as for those served by credential holders and candidates, with respect to such standards and requirements.

**I. Responsibilities to ISA, the profession and the public.**

A. Compliance with all organizational rules, policies and legal requirements.  
Credential Holders and candidates must:

1. Comply with all applicable laws, regulations, policies and ethical standards governing professional practice of arboriculture.
2. Comply with all accepted professional standards related to arboriculture practice, including national practice standards and policies.
3. Provide accurate, complete, and truthful representations concerning all certification and renewal information.
4. Maintain the security of ISA examination information and materials, including the prevention of unauthorized disclosures of test information.
5. Cooperate with ISA concerning ethics matters and the collection of information related to an ethics matter.
6. Report to ISA, in a timely manner, their personal conduct that may violate any provision of the ISA Code of Ethics or the Ethics Case Procedures.
7. Refrain from behavior or conduct that is clearly in violation of professional, ethical, or legal standards related to occupational services and/or activities.

## II. Responsibilities to clients, employers, employees, and the public.

### A. Responsibilities concerning the performance of professional services.

#### Credential holders and candidates must:

1. Deliver safe and competent services with objective and independent professional judgment in decision-making.
2. Recognize the limitations of their professional ability and provide services only when qualified. The credential holder/candidate is responsible for determining the limits of his/her own professional abilities based on qualifications, education, knowledge, skills, practice experience, and other relevant considerations.
3. Make a reasonable effort to provide appropriate professional referrals when unable to provide competent professional assistance.
4. Maintain and respect the confidentiality of sensitive information obtained in the course of professional activities unless: the information is reasonably understood to pertain to unlawful activity; a court or governmental agency lawfully directs the release of the information; the client or the employer expressly authorizes the release of specific information; or, the failure to release such information would likely result in death or serious physical harm to employees and/or the public.
5. Properly use professional credentials, and provide truthful and accurate representations concerning education, experience, competency and the performance of services.
6. Provide truthful and accurate representations to the public in advertising, public statements, and other representations, and in the preparation of estimates concerning costs, services and expected results.
7. Recognize and respect the intellectual property rights of others and act in an accurate, complete, and truthful manner, including activities related to professional work and research.

### B. Responsibilities concerning conflicts of interest and appearances of impropriety. Credential holder and candidates must:

1. Disclose to clients or employers significant circumstances that could be construed as a potential or real conflict of interest or an appearance of impropriety.
2. Avoid conduct that could cause a conflict of interest with a client, employer, employee, or the public.



3. Assure that a conflict of interest does not compromise legitimate interests of a client, employer, employee, or the public and does not influence or interfere with professional judgments.
4. Refrain from offering or accepting significant payments, gifts or other forms of compensation or benefits in order to secure work or that are intended to influence professional judgment.

C. Responsibilities concerning public health and safety. Credential holders and candidates must:

1. Follow appropriate health and safety procedures, in the course of performing professional activities, to protect clients, employers, employees, and the public from conditions where injury and/or other harm are reasonably foreseeable.
2. Inform appropriate government representatives or agencies when aware of an activity or circumstance that may cause an unsafe condition or violate legal requirements.

# Professional Ethics and the New Florida Tree Law

For “Certified” Arborists

NORM EASEY, FLORIDA CHAPTER ISA, CEO

Inebriated man wanders into the forest,  
ends up joining his own search party!

# New Florida Tree Law

1. The new Florida Tree Law is testing our “Professionalism”
2. Some arborists are “learning the hard way” to behave professionally
3. This presentation will help you understand what it means to behave professionally
4. You will learn what happens if you don’t behave like a professional
5. What Florida ISA is doing to help steer our future with this law

# What Does it Mean to be a Professional? And what Does it Mean to Behave Ethically?

All Professionals follow a **common code of conduct**

As a ISA Certified Arborist you signed and agreed to follow a specific code of conduct.

Lets look at what it means to **“act professionally”**

Professionals, whether engineers, doctors, or arborists follow a common set of **values** that describe a particular **social behavior**.

Those common values include:

# Professional behaviors

Integrity

Honesty

Fairness

Objectivity

Fiduciary

Confidentiality

Competence

Courtesy

Diligence

Dignity

# Professional Behaviors

Lets look at a few of these behaviors in more detail

# Professional Behaviors

## Integrity

- Integrity requires honesty which can never be subordinated to personal gain
  - Your business is off and you are invited to a clients residence for an inspection and their trees need no work. Do you:
    - A. sell them work they don't need or,
    - B. tell them the truth and leave, or
    - C. sell them lightning protection
  - Do you have the word "LICENSED" in your advertising and on your trucks?
    - If the answer is yes, you don't have integrity



# Professional behaviors

## Integrity, continued

- Integrity also means providing clients what 'Need' and NOT what they 'Want'
- You are asked to top or lion's tail prune a tree in violation of ANSI Standards, do you:
  - A. Do the job because the customer is always right
  - B. You do the job because another company will anyway, it may as well be us.
  - C. Walk away.

# Professional Behaviors

## Competence

- Competence means obtaining and maintaining a high level of knowledge and skill, and applying that knowledge and skill for a client's benefit.
- Competence also requires knowing when to refer a client to others because the specific knowledge necessary to accomplish the task is beyond your level of competence.
- Remember that the ISA Certified Arborist credential measured your knowledge across a very broad range of arboricultural topics
- But, it did so at a fundamental level
- All of us have strong arboricultural talents in some areas and less talent in others

# Competence, continued

One of your unique talents may be “tree risk assessment”

If so great, you are equipped to provide competent service to the public

If not equipped you have 2 choices

- 1. Refer the customer to an arborist who has the competence
- 2. Learn the tree risk assessment skill yourself

Fortunately ISA offers training in tree risk assessment via a credential called TRAQ

Or refer your client to one of the 340 ISA Certified Arborists in Florida who have the Tree Risk Qualification

# Professional Behaviors

## Honesty

This one you learned in Kindergarten and it has not changed

- The Golden Rule
- “Do unto others as you would have them do to you”

# Professional Behaviors

## Fairness

- Fairness requires the subordination of one's own feelings and desires
- You set aside your personal subjective opinions and deal with the situation objectively. Can be hard to do
  - Example: "I hate this damn species"
  - Other examples please

## Dignity

- Dignity also requires the subordination of one's own feelings
- It means you provide the same high level of polite friendly service no matter how you feel about your client. It does not matter if you client is Mother Teresa or Attila The Hun, they both are treated with the same level dignity.

# Professional Behaviors

## Confidentiality

It is your professional duty to protect your clients information

Your relationship with your client is built on a confidence that their information will remain forever confidential

The “documentation” that the new Florida tree law requires is given **ONLY** to your client

Your client decides who they want to share it with, not you.

One exception: if you are subpoenaed by a court as an expert you are required to turn over your case files

# Professional Behaviors

## Fiduciary

- A fiduciary is someone who has undertaken to act for and on behalf of another's assets or resources. You are obligated to act in the clients best interests.
- You are acting with your clients best interests not your own.
  - Example: You are a commercial arborist asked to assess a tree for risk. The tree has no defects and presents a LOW risk to people and property. A fiduciary advises the tree owner that the tree needs no work and says goodbye.
  - What is an example of a fiduciary breach?

# The New Florida Tree Law

The new Florida tree law uses the phrase “A Danger to People or Property”

So how do we do that assessment as Certified Arborists?

As Certified Arborists we are governed by a series of “Standards”. Those Standards are the ANSI A300 (Parts 1 -10) and the ANSI Z133 Safety Standard.

Standards governing arborists are further defined and refined in BMP’s and Credentials.



# The New Florida Tree Law, continued

We have a Standard for assessing risk to people and property caused by trees

The Tree Risk Assessment process is detailed in ANSI A300 part 9, and

Further refined in the ISA Tree Risk Assessment BMP, and

Much further explained and defined in the ISA TRAQ Credential

# The New Florida Tree Law, continued

ANSI A300 Part 9 – Tree Risk Assessment defines a process with many steps to determine a risk rating for the tree

It also leads you through a mitigation process to lower the risk rating

The vast majority of urban trees that possess risk to people and property do not need to be removed to lower the risk rating to a reasonable level of low or moderate.

But who decides the risk tolerance level?

The tree owner.

The KEY to our collective success in the exercise of this new law comes next

# The New Florida Tree Law, continued

Remember there will always be clients for whom low risk is not low enough.

What we as “professionals” do next will be the **defining factor** in how we are ultimately **perceived by the public**.

If we offer removal as an option for moderate or low risk trees.....we will be no different from the **unprofessional ‘tree cutters’** and **NOT** deserving of being regarded as a professional group

## Right tree wrong place

- Trees damaging homes – NOT addressed in A300 Part 9
- Trees damaging sidewalks – NOT addressed in A300 Part 9

# When does the new law not apply

When the risk rating is low and your client still wants to remove the tree

When the tree is an inappropriate species for the site

When the tree can no longer be maintained by the owner due to financial or physical limitations

SO WHAT DO YOU DO WITH THESE TREES?

When does the new law not apply?

Apply for a PERMIT to remove the tree!

# So What happens if you misbehave?

You expose yourself to multiple consequences

- 1. Professional liability
  - As an ISA Certified Arborist violations of ethical behavior or non compliance with standards charges can be filed against you by:
    - Your client
    - Local governments
    - Your peers
    - Your mom
  - So how does this process work?
    - ISA has a panel of your peers who sit in judgement of your actions
    - As an ISA Certified Arborist you are required to 'show your work'

# ISA Ethics Complaint Hearing Process

- The complainant goes on line and fills out a form providing the charges and details.
- The ISA Compliance Manager reviews the complaint and sometimes forwards it to the committee for review. The Compliance Manager is trying to decide whether there is substance to the complaint (clarification may be requested).
- If there is substance to the complaint, it is forwarded to the Certified Arborist for them to respond.
- The Arborist's response is forwarded to the complainant who can chose to respond.
- The arborist is given the opportunity to respond to the complainant's additional comments.
- A hearing is scheduled.
- The Ethics Review Committee members review the complaint, responses, and evidence submitted before the hearing. ISA DOES NOT conduct investigations beyond the material submitted by the complainant and the arborist. It is up to the complainant and the arborist to bring any witnesses to the hearing.



# ISA Ethics Complaint Hearing Process

## What happens in a hearing?

- The hearing will be held by phone between 2:00 and 5:00 PM EST.
- The complainant and the Certified Arborist will be present along with the Compliance Manager, ISA Attorney, court reporter and a minimum of three (3) Ethics Review Committee Members.
- The attorney will start the meeting introduce those present and lay out the ground rules.
- A committee member acting as chair will give the complainant 10 minutes add any new information, present witnesses or to emphasize key points.
- The committee, attorney and Compliance Manager can ask questions.
- A committee member acting as chair will give the arborist 10 minutes add any new information, present witnesses or to emphasize key points.
- The committee, attorney and Compliance Manager can ask questions.
- The complainant is given 5 minutes to provide final remarks.
- The arborist is given 5 minutes to provide final remarks.

# ISA Ethics Complaint Hearing Process

- The committee chair is closes the meeting.
- The Attorney dismisses the complainant and the arborist.
- After the complainant and arborist are off the call, the committee deliberates the facts and decides whether there is an ethics violation. If there is a violation the committee determines the penalty.
- The complainant and arborist are notified within 30 days of the determination by the committee.
- There is an appeals process.

# Possible Disciplinary actions

- a. **Specific training, supervision, and/or instruction** concerning his or her professional activities;
- b. **Private reprimand and censure**, including any conditions or directives;
- c. **Public reprimand and censure**, including any conditions or directives;
- d. **Certification probation** for any period up to three (3) years, including any conditions or directives;
- e. **Suspension of certification** for a period of no less than six (6) months and no more than two (2) years, including any conditions or directives; and must define based on the severity of the case. The Ethics Review Committee will determine

# So What happens if you misbehave?

- 2. How About your Legal liability
  - Several Certified Arborists have been sued in civil court for failing to act professionally or following to follow our standards, and lost.
  - Visit the Florida Chapter ISA website to read about a few of them

# Florida ISA is trying to change the current law

In 2020 Florida ISA began a process to lobby the Legislature to make some changes to the law. The 2021 effort failed, and things are looking better for the 2022 effort.

- The law currently says: 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

# Florida ISA is trying to change the current law

The law has several conspicuous problems

- We don't have a definition for "danger"
- "Residential" is poorly defined
- "Documentation" was not defined

We proposed the following language change:

(a) “Documentation” means an onsite assessment performed by an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect in accordance with tree risk assessment processes and guidelines established by the ISA, the American National Standards Institute (ANSI), or the International Organization for Standardization and signed by the certified arborist or licensed landscape architect.

(b) “Residential property” means an existing single-family, detached building located on an existing lot of record, actively used for single-family residential purposes, and which is either an existing 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 ~~obtains~~ documentation from an arborist certified by the ISA International Society of Arboriculture or a Florida licensed landscape architect that the tree poses an unacceptable risk ~~presents a danger~~ to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as defined by the ANSI A300 (Part 9)—2017 tree risk assessment standards, using a 2-year timeframe.

~~(3)~~ (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.



# Do I need a Permit to Remove my Tree?: A Decision Guide for Navigating Florida Statute 163.045

Florida Statute 164.045 defines the conditions in which a homeowner is able to hire a tree care company to remove a tree on their property without prior notice or permission from their local government. Recently, the statute was revised to provide further clarity regarding the zoning, reporting, and what constitutes unacceptable risk ([click here to access Chapter No. 2022 - 121](#)).

In Fall 2021, the Florida Chapter of the International Society of Arboriculture hosted a series of seminars regarding the Navigation of 163.045 and the proposed revisions which have since been signed into law. This website serves as a summary of this training and the conversations that emerged in the question and answer sessions. It is intended to assist you in navigating the new tree law. That said, when in doubt it is most prudent to contact your local government official for further clarification regarding their interpretation of the new law. This decision tool was developed by the Florida Chapter of the International Society of Arboriculture. It was not created by an attorney and is not providing a legal opinion, and is not offering any service that can, by law, be performed only by an attorney.



[Begin](#)



Florida Chapter - International Society of Arboriculture

## Existing Local Tree Protections

[Back](#)

The first step in assessing what permitting and permissions are required for a tree removal is to determine if there are any local protections in place. This can be accomplished by contacting the public works, planning, or urban forestry department for your county and/or municipality. Ordinances are also generally published online through a local government's webpage or code publishing libraries such as [Municode](#) and [American Legal Publishing Corporation](#).



Is the tree located in a municipality or county with existing tree protections or permitting requirements?

Yes

No

## Is the Tree on "Residential Property"?

[Back](#)

"Residential property" is defined as "...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." As such, 163.045 does not apply to multi-family dwellings or properties zoned for other uses (e.g., commercial, industrial, etc.). Similarly, the law does not apply to residential lots that have yet to be developed. The arborist should not take on the responsibility of confirming whether or not the property meets this requirement for the client.



Is the tree on single family residential property?

Yes

No

## What is the Concern with the Tree?



Risk of Failure



Tripping Risk



Infrastructure Conflict



Visual Obstruction



## Is there a Target Present?

[Back](#)

A target is any person, property, utility, or structure present that could be harmed or damaged if a tree fails (generally located within 1 to 1.5 times the height of the tree). If no target is present, a tree does not pose an unacceptable risk and is not covered by 163.045. For more information on assessing targets, reference the [ISA Tree Risk Assessment BMP](#) and the [ISA Tree Risk Assessment Manual](#).



Is a target (i.e., person, property, utility, or structure) present and within range of the tree?

Yes

No

## Is the Risk Unacceptable?

[Back](#)

Chapter No. 2022-121 of Florida Statute 163.045 now clearly states what constitutes an "unacceptable risk" (formerly "dangerous"). A tree with a risk rating of "moderate", "high", or "extreme" as determined by an ISA Certified Arborist or State Licensed Landscape Architect using the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017), poses an "unacceptable risk" if there is no way to make it safer through mitigation (more on this later).

Consequences of Failure			
Negligible	Minor	Significant	Severe
Low	Moderate	High	Extreme
Low	Moderate	High	High
Low	Low	Moderate	Moderate
Low	Low	Low	Low

Does the tree have a risk rating of moderate, high, or extreme?

Yes

No

## Can Tree Risk be Mitigated to "Low"?

[Back](#)

The definition of unacceptable risk requires the assessor to look at mitigation options such as pruning, the installation of tree support systems, exclusion, and relocation of movable targets. If the assessed risk of the tree can be mitigated to 'low' as defined by the ISA Tree Risk Assessment BMP, it is still subject to local codes, permitting, and protections.



Can mitigation measures bring the assessed risk rating to "low"?

Yes

No



## Follow the Local Permitting/Approval Guidelines

Given the responses provided, you have not met all of the requirements outlined in 163.045 to allow for the pruning, trimming, or removal of the tree assessed without "notification, approval notice, application, approval, permit, fee, or mitigation." Please follow all existing local codes and/or permitting processes.



[Return to Home](#)


## Is the Risk Assessment Documented?

"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). A draft report is available [here](#). This report must be prepared by either an ISA Certified Arborist or a State-Licensed Landscape Architect. **Caution - failure to document risk as outlined by the ANSI A300 Standards for Tree Risk Assessment and associated BMP could jeopardize the credential status of ISA Certified Arborists.**

**REPORT**

**SUMMARY** *(optional)*  
I assessed the risk of one red maple tree on your property using a Level 2 and Level 3 assessment. I found extensive internal decay that can lead to tree failure in normal weather conditions within two years. Multiple assets including people, houses, and powerlines could be struck if this tree failed causing significant or severe damage. This resulted in a risk rating of MODERATE. With mitigation the risk rating can be reduced to LOW.

**ASSIGNMENT** *(required)*  
My assignment was to provide a tree risk assessment for one large red maple tree (*Acer rubrum*) because you were advised by others that this tree may be a liability. The tree is located on property described as: 101 Main Street, Anytown, FL. I conducted my inspection on the afternoon of July 8, 2021 in your presence.



This report contains proprietary information and is for the exclusive use of Mr. and Mrs. Smith. The report can be shared with the city of Anytown to comply with tree protection regulations.

Has the risk been properly documented by an ISA Certified Arborist or State-Registered Landscape Architect?

Yes

No

## Follow the Local Permitting/Approval Guidelines

While problematic, tripping risks, infrastructure conflicts, and visual obstructions are not addressed in the ISA Tree Risk Assessment BMP and is not a consideration when determining if a tree can be removed without notice or a permit under Florida Statute 163.045. Given the responses provided, you have not met all of the requirements outlined in 163.045 to allow for the pruning, trimming, or removal of the tree assessed without "notification, approval notice, application, approval, permit, fee, or mitigation." Please follow all existing local codes and/or permitting processes.



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