



**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**POLICY AND PROCEDURES**

**FROM:** Jon MacGillis, ASLA, Zoning Director

**SUBJECT:** Residential Private Property rights regarding tree trimming, pruning or removal

**PPM #:** ZO-O-071

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**ISSUE DATE**  
7/3/19 (Rev 9/12/19)

**EFFECTIVE DATE**  
7/3/19

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**PURPOSE:** To establish consistency between the Unified Land Development Code (ULDC), Article 7.G.3, Enforcement and Florida State Statute 163.045, until the ULDC is amended to address the protection of "private property rights" as it relates to tree pruning, trimming and removal of vegetation on residential properties.

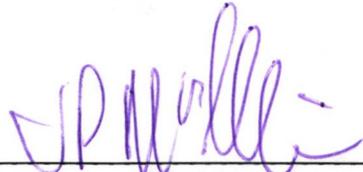
**BACKGROUND:**

Pursuant to F.S 163.045, as amended on July 1<sup>st</sup>, 2019 for Private Property Rights which "prohibits local governments from requiring notices, applications, approvals, permits, fees, or mitigation for pruning, trimming, or removal of trees on residential property, if property owner obtains documentation from a Certified Arborist or Florida Licensed Landscape Architect as proof that the tree is damaged, diseased, or pest infested or presents a danger to others or to property; prohibits local governments from requiring property owners to replant such trees; provides exception for mangrove protection actions; deletes provision that authorizes electric utilities to perform certain right-of-way tree maintenance only if property owner has received local government approval."

**PROCEDURES:** The following changes in staff procedures shall apply immediately:

1. **Complaint or Inquiry of violation to Zoning Staff:** Zoning Staff receives many inquiries from residential property owners regarding improper trimming, pruning and illegal tree removal. Staff should inquire, during their discussion with the property owner or HOA/POA representative as to why the trees need to be removed. If the owner states in their rationale or justification that the **tree presents a danger to persons or property**, staff should inform the applicant of the Statute provision and applicability to their request.

2. **Code Enforcement (CE) investigations related to improper trimming, pruning or for illegal tree removal:** If CE investigates a complaint related to improper trimming, pruning or illegal tree removal by a residential property owner or HOA without the proper documentation as cited in FS 163.045, (that is, obtain documentation from a Certified Arborist or Florida Licensed Landscape Architect which indicates that the tree presents a danger to person or property), then they may proceed with the Notice of Violation.



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Director