



# 5 things to know about **TREES ON PRIVATE PROPERTY**

**1**

**In 2019, the Florida Legislature adopted House Bill HB 1159: Private Property Rights, creating Section 163.045, Florida Statutes (§163.045).**

The new law allows a residential property owner to undertake certain activities related to trees if the property owner obtains specified documentation. §163.045 applies only to residential property.

**2**

**The new law requires that a certified arborist or licensed landscape architect deem a tree a danger to person or property before removal.**

The property owner is required to obtain documentation and is encouraged to retain it for their records. Many local governments enact tree ordinances, which aim to preserve tree canopy coverage. In accordance with local ordinances, a municipality or government agency may request the owner provide the report from a certified arborist or licensed landscape architect to verify that a tree was deemed a danger to person or property.

**3**

**The Sarasota County tree permit requirements remain in effect for apartments, condominium complexes, or common areas within neighborhoods managed by a homeowners association (HOA) where a common area is not a part of a residential lot.**

Permit requirements for other non-residential (e.g., commercial, industrial, etc.) properties also remain in effect and unchanged by this new law. Owners are encouraged to check their deed restrictions, where applicable, which may limit the ability to trim or remove trees without HOA approval.

**4**

**§163.045 does not apply to mangroves and mangrove protection. Mangroves provide many benefits to estuarine ecosystems and, therefore, mangrove trimming and removal is regulated separately at the state level and within unincorporated Sarasota County through delegated authority.**

**5**

**§163.045 criteria do not apply to trees in protected areas under the jurisdiction of Sarasota County, such as preserves, conservation areas, and open space, among others.**

These areas are not considered residential property. This also includes trees located within common area tracts, such as those managed by an HOA.

To learn more about this topic and tree protection, please contact the Environmental Protection Division through the County Contact Center at 941-861-5000.