

The Landings
Removal a Tree on Homeowner Property
That Presents a Danger to Persons or Property
November 2019

Florida Private Property Rights Protection Act

A new law in Florida (Private Property Rights Protection Act (Section 163.045 Florida Statutes) became effective July 1, 2019.

Pursuant to the Act, 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.
- require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with the Act.

Landings homeowners may now remove a tree on their property (but not including the common area trees in the swales in the front of the house) without a permit from City of Weston, if it presents a danger to persons or property and the homeowner meets the The Landings requirements listed below.

Healthy Trees and Common Area Swale Trees

Maintenance of the swale trees is the responsibility of the Association.
Homeowners may not remove swale trees.

City of Weston permits are required for the removal of healthy, non-dangerous trees on residential and non-residential properties for all tree species.

The Landings Requirements

- Homeowner shall submit a completed Architectural Review Application.
The Project Description shall include a description, photo and location of the tree to be removed and specify the danger it poses to persons or property.
- Homeowners are required to obtain proper documentation from a certified arborist (certified by the International Society of Arboriculture) or a Florida licensed landscape architect that the tree presents a danger to the property.

The letter must be on company letterhead and indicate the vendor's license number.
The letter shall be included with the Architectural Review Application.

- The letter from the certified arborist shall include a complete description of the project and shall include the following representation:

Representation to The Landings

I/we represent to The Landings that the removal of the homeowner tree located at the address indicated in this letter represents a danger to persons or property as described in our letter and complies with the Florida Private Property Rights Protection Act.