

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY SUPPORTING SENATE BILL 596 AND HOUSE BILL 6023, WHICH SEEK TO REPEAL SECTION 163.045, FLORIDA STATUTES, WHICH CURRENTLY PREEMPTS MUNICIPALITIES FROM REQUIRING A NOTICE, APPLICATION, APPROVAL, PERMIT, FEE, OR MITIGATION FOR TREE PRUNING, TRIMMING, OR REMOVAL ON RESIDENTIAL PROPERTY; AND DIRECTING THE CITY CLERK TO TRANSMIT THIS RESOLUTION TO THE PRESIDENT OF THE FLORIDA SENATE AND THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES.

WHEREAS, members of the Florida Legislature, Senator Linda Stewart and Representative Anna V. Eskamani of Orlando, have sponsored Senate Bill 596 ("SB 596") and House Bill 6023 ("HB 6023"), respectively, proposing to repeal a state preemption of local ordinances relating to trees located on residential properties; and

WHEREAS, Section 163.045 Fla. Stat., adopted by the Florida Legislature in 2019, prohibits local governments from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property, and was advocated as a way to protect residential property owners' rights, after several local controversies related to removal and trimming of trees arose in the state; and

WHEREAS, Section 163.045 Fla. Stat. allows for pruning or removal of any tree on any Florida residential property without a permit if a certified arborist or a Florida-licensed landscape architect creates documentation that the tree "presents a danger to persons or property"; and

WHEREAS, Section 163.045 Fla. Stat. does not provide for any definition or modifier of the word "danger", leaving the law vague and vulnerable to abuse; and

WHEREAS, moreover, landscape architects typically do not have special training in assessing tree danger, and while certified arborists have an option take a specialized course and become qualified in "Tree Risk Assessment," Section 163.045 Fla. Stat. does not mandate having this additional expertise; and

WHEREAS, many local communities use green buffers and tree preservation codes to define their communities' character and standards of life, and local governments should be restored local controls and the ability to protect these resources; and

WHEREAS, local government tree protection ordinances and maintenance of trees and tree canopies are beneficial for habitat, climate adaptation, nutrient uptake and filtration, stormwater management, quality of life for residents and community character; and

WHEREAS, the City of Miami Beach ("City") is an urbanized barrier island that has many unique challenges in the management of a sustainable urban forest; and

WHEREAS, in 2015, the City of Miami Beach adopted the Tree Preservation & Protection Ordinance, which established the tree permitting and mitigation program to protect and enhance the tree canopy on both public and private property; and

WHEREAS, the average life of a tree in the City is estimated to be 8 years due to environmental conditions including high groundwater table, limited space for planting, tree abuse, and improper maintenance; and

WHEREAS, in 2018, 70% of voters in Miami Beach approved General Obligation Bond that included \$5 million for Reforestation Projects; and

WHEREAS, reforestation efforts lead to exponential growth of the benefits received by our urban forest through enhanced walkability, improved stormwater management capacities, increased habitat for birds and wildlife, reduced greenhouse gases, and reduced heat island impacts; and

WHEREAS, furthermore, Policy RSE 4.1.3 of the City's Comprehensive Plan calls for the development of innovative solutions to create an urban canopy, reduce the intensity of the urban heat island effect and provide shade to improve walkability; and

WHEREAS, the City has been certified as a Tree City USA for 16 years, which requires maintaining a tree board or department, enforcing a community tree ordinance, spending at least \$2 per capita on urban forestry, and celebrating Arbor Day; and

WHEREAS, local governments are in a better position to determine which trees in their neighborhoods are "dangerous" to persons or property; and

WHEREAS, as such, the Mayor and City Commission of Miami Beach declare their strong support for SB 596 and HB 6023.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby strongly support Senate Bill 596 and House Bill 6023, which seek to repeal Section 163.045, Florida Statutes, which currently preempts municipalities from requiring a notice, application, approval, permit, fee, or mitigation for tree pruning, trimming, or removal on residential; and direct the City Clerk to transmit this Resolution to the speaker of the Florida House of Representatives and the President of the Florida Senate.

PASSED AND ADOPTED this ____ day of April, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Richardson)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *FA*

4-6-21

Date