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until paid and shall be transferred as soon as practicable for inclusion in the assessment roll of said city and shall be collected in the same manner as is or may be provided by law for the collection and enforcement of taxes levied upon said property. The actual cost of the publication of the notice of completion of work and the fact that the liens have been entered in the demolition and removal lien book as provided by this act shall constitute a special tax and lien upon the real property upon which said work was done, to be levied and collected in the same manner as the special tax and lien for said work, as provided in this act.

Section 6. The city commission shall have authority by resolution to correct any omissions, errors or mistakes in the entry of liens in the demolition and removal lien book until such time as said liens are transferred to the assessment roll, after which time any such omissions, errors or mistakes may be corrected only by resolution of the city commission.

Section 7. This act is severable in its provisions and the adjudicated invalidity of any part shall not affect the remainder.

Section 8. All laws or parts of laws, whether general, special or local, in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 2, 1970.

CHAPTER 70-765**House Bill No. 5197**

AN ACT relating to Monroe County, City of Key West; providing for the creation of the Key West tree commission; providing for the membership of such commission, and the method of appointment and term of such commissioners; providing for the officers of the commission; providing for the powers, duties and obligations of the commission; providing that no person shall cut, trim, or in any way damage any tree in any

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street right-of-way in the City of Key West without prior written approval by the commission; providing penalties providing for appeal from the decisions of the commission providing an effective date.

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

Section 1. It is hereby declared that the trees on private property and in publicly owned areas within the City of Key West, including particularly those in street rights-of-way, are both an economic and an aesthetic asset to the City of Key West and the State of Florida; that the existing trees so located are in need of protection and of active measures to support their health and growth, that it is desirable that additional trees be planted, and that those ends require a separate agency specifically charged with the responsibility and duty of fostering the planting, growth and protection of trees on private property and publicly owned areas.

Section 2. (1) There is hereby created the Key West tree commission, to consist of five (5) members. Four (4) members shall be appointed by the governing body of the City of Key West from a panel consisting of three (3) persons nominated by each one (1) of the bodies named below: the Key West Chamber of Commerce, the Old Island Restoration Foundation, the Key West Art and Historical Society, and the Key West Garden Club. The fifth member shall be the city manager of the City of Key West.

(2) One (1) of the commissioners who is first appointed shall be designated to serve for a term of four (4) years, one (1) for three (3) years, one (1) for two (2) years and one (1) for one (1) year, respectively, from the date of appointment. Thereafter, the term of office of each appointed commissioner shall be four (4) years. Each commissioner shall serve until his successor takes office, and any vacancies shall be filled by appointment from a panel nominated by the same entity which nominated the predecessor commissioner. Three (3) commissioners shall constitute a quorum.

Section 3. Members of the commission shall serve without salary or remuneration. They shall annually elect from among their number a chairman, a vice-chairman, a secretary and a treasurer.

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Section 4. The commission is authorized to accept contributions and to expend the same for the purposes of carrying out its duties and obligations imposed by this act.

Section 5. The City of Key West and other governmental subdivisions and agencies of the state shall continue to be the owners of and, subject to the provisions hereof, shall continue to be responsible for the maintenance of and care for all trees on publicly owned property, and the tree commission shall have no duties other than those specifically stated herein.

Section 6. The tree commission shall cooperate with and coordinate its activities with the public service department and other departments of the City of Key West; and all agencies of the city shall cooperate with the tree commission.

Section 7. The commission shall take active steps to:

(1) Educate the public as to the economic and aesthetic benefits of trees to the City of Key West and its citizens, both on publicly owned property and privately owned property;

(2) Promote the planting, health and growth of trees in the City of Key West, with the particular objective of establishing and protecting avenues of palms and other tropical trees deemed suitable by the commission;

(3) Promote the care, feeding, fertilization and other measures desirable for the health and growth of existing trees in street right-of-way in the City of Key West; and

(4) Protect trees located in street rights-of-way in the City of Key West from damage, removal, lack of sustenance or any other act or condition which might threaten the health and growth of such trees.

Section 8. The commission may adopt by-laws and rules and regulations not in conflict herewith, shall meet regularly at least once each month and specially as it deems necessary and as may be provided in such by-laws, may provide such printed forms to be issued as shall be necessary to govern its proceedings and to effectuate the provisions of this act, may cause such studies to be made as it deems necessary, may perform its functions directly through its own agents or employees, or may contract

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with others for specific or general services to carry out its purposes hereunder. It shall keep a record of its proceedings and a register of all applications made to it and its action thereon, all of which shall be public records. Any person desiring a copy of any act or proceeding of the commission may obtain the same by paying a fee of one dollar (\$1) for each and every page or portion thereof.

Section 9. No person shall cut, remove, trim, or in any way damage any tree in any street right-of-way in the City of Key West nor create any condition injurious to any such tree without first having made a written application so to do to the commission and having obtained advance written permission from the commission. Any governmental body or utility may by filing an application accompanied by a certificate as hereinafter provided, obtain continuing permission to trim at any time any trees in any area described in its application for such permission. The form of the application shall be as established from time to time by the commission, and the commission may delegate to one (1) or more of its members or officers the power to grant such permission in accordance with standards set by it. The commission may in its discretion hold public hearings on any application and may approve part of an application or may approve an application upon such terms and conditions as the commission may fix. In considering any application before it the commission shall base its decision on whether the public and private benefits that will result from granting the application outweighs the public and private benefit that will result from denying it. In the event a governmental body or public utility shall certify to the commissioners that it desires to trim trees and that it is or may become reasonably necessary to do so to prevent a public hazard or to provide efficient or economical service for the public, then such certificate shall be conclusive evidence for the approval of such application, and the commission shall approve the same and there shall be no appeal from such approval.

Section 10. Any person aggrieved by any decision of any officer or agent of the commission may appeal to the city commission of Key West, under such rules and regulations as the city commission may fix. Any person aggrieved by any decision of the city commission may, within fifteen (15) days thereafter, appeal to the circuit court of Monroe County by filing with the city commission a written notice of appeal and making and filing with the clerk of such court a bond approved by such

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clerk conditioned to pay the costs of such appeal. The hearing and trial in the circuit court shall be de novo. No such appeal shall authorize any person to take any action pending appeal, application for which has been denied by the tree commission or city commission.

Section 11. All laws or parts of law which conflict with this act are repealed.

Section 12. Should any section, provision or part of this act be declared unconstitutional or void by any court of competent jurisdiction, it shall not affect the validity of the remaining sections, provisions or parts of this act.

Section 13. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State June 24, 1970.

CHAPTER 70-766

House Bill No. 5332

AN ACT prescribing the territorial limits of the municipality known as Kissimmee in Osceola County.

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

Section 1. The boundaries of the city of Kissimmee in Osceola County shall be as follows:

Beginning at the Northwest corner of the SW 1/4 of Section 16, Township 25 South, Range 29 East, Osceola County, Florida, run thence East, along the North line of the SW 1/4 of said Section 16, to a point 68.0 feet West of the Northeast corner of the SW 1/4 of said Section 16; run thence North, parallel to the East line of the NW 1/4 of said Section 16, to the North line of said Section 16; run thence East, along the North line of said Section 16, for a distance of 38.0 feet; run thence North, parallel to the East line of the West Half of Section 9, Township 25 South, Range 29 East, to the South line of the NE 1/4 of the SE 1/4 of the NW 1/4 of said Section 9; run thence West, along the South line of the NE 1/4 of the SE 1/4 of the