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## THE CITY OF KEY WEST

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# EXECUTIVE SUMMARY

To: The City Commission for the City of Key West

From: Ron Ramsingh, Chief Assistant City Attorney

Date: May 14, 2019

RE: Resolution to Encourage Gov. DeSantis to Veto HB1159 titled: "Property Owners Bill of Rights"

Sponsors: Commissioners Lopez & Weekley

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### **Action statement:**

This proposed Resolution urges Governor DeSantis to Veto HB 1159 titled: "Property Owners Bill of Rights".

### **Background:**

HB 1159 was introduced by Rep. La Rosa (Rep)(Osceola and Eastern Polk Counties) on March 5, 2019. The bill was passed by the Florida House of Representatives on April 25, 2019 and passed by the Florida Senate on April 26, 2019. The bill proposes to prohibit any local government from requiring a permit, to charge a permit fee, to require notice or approval or to require any mitigation if a

property owner desires to prune, trim, or remove any tree on residential property, so long as the homeowner obtains an opinion from any ISA certified arborist or FL licensed landscape architect that the tree(s) in question presents a danger to persons or property. The bill further prohibits a local government from requiring replacement trees if removal is desired. This bill does not affect existing regulations regarding mangroves. If submitted to the governor's office and signed by Gov. DeSantis, the law would go into effect on July 1, 2019. If the bill is signed, it will have the practical effect of invalidating many of our tree protection ordinances that are located in Chapter 110 of the Land Development Regulations. These ordinances prescribe what are protected trees (including the recently declared official tree of the City of Key West, the Royal Poinciana), as well as grounds for removal, trimming, pruning, and permitting of trees. The ordinances also set out what tree abuse is comprised of and provides penalties for same.

The Florida Legislature also created the tree commission by Special Act 5197 in 1970 which set out legislative intentions to have local government oversight of tree trimming and removal so as to protect "palms and other tropical trees deemed suitable by the (tree) commission." There appears to be a possible conflict between HB 1159 and HB 5179. This Resolution seeks to encourage Gov. DeSantis to veto HB 1159.

At a tree commission meeting on May 13, 2019, all members present voiced their concern about HB 1159 and unofficially encouraged the city commission to adopt this Resolution.

**Options:**

1. To approve the proposed Resolution, thereby encouraging Gov. DeSantis to veto HB 1159 which would save many of the tree protection ordinances in Ch. 110 of the Code of Ordinances, as well as saving much, if not all of the primary functions of the tree commission, which was created by Special Act HB 5197 in 1970
2. To deny the proposed Resolution. Gov. DeSantis will not have an official position from the City of Key West regarding HB 1159.

**Recommendation:** To approve the proposed Resolution.

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