

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ENCOURAGING GOVERNOR DESANTIS TO VETO HOUSE BILL 1159 TITLED: "PROPERTY OWNER BILL OF RIGHTS" WHICH PROPOSES TO SIGNIFICANTLY DEREGULATE LOCAL CONTROL OF TREE PLANTING, PERMITTING, AND THE REQUIREMENT FOR REPLACEMENT TREES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, House Bill 1159 proposes to prohibit a local government from requiring notice, application, approval, permits, fees, 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 (ISA) or a Florida licensed landscape architect that the tree presents a danger to persons or property; and,

WEHREAS, House Bill 1159 further prevents a local government from requiring a property owner to replant a tree that was pruned, trimmed, or removed; and,

WHEREAS, House Bill 1159 passed in the Florida House of Representatives on April 25, 2019, and passed in the Florida Senate on April 26, 2019; and

WHEREAS, the Florida legislature created the City of Key West Tree Commission in House Bill 5197 via Special Act in 1970 that declared trees to be "...an economic and

aesthetic asset to the City of Key West and the State of Florida and 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.”; and,

WHEREAS, House Bill 5197 (1970) further prescribed that “the (tree) commission shall take active steps to.... 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 (tree) commission”; and,

WHEREAS, there is a perceived conflict between HB 5197 (1970) and HB 1159 that has the net effect of essentially eliminating the primary function of the tree commission; which is to issue permits for tree removal and pruning of specially protected trees and conduct administrative hearings on tree abuse, if a homeowner obtains a report from a ISA certified arborist or FL licensed landscape architect declaring the tree a danger; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the recitals and findings contained in the foregoing "Whereas" clauses are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. That the City Commission for the City of Key West expresses its objection to the adoption of HB 1159 and urges Governor DeSantis to veto HB 1159 as a further threat to "home rule", and more importantly, a serious threat to protected trees within the City of Key West.

Section 3. That the City Commission further directs the City Clerk to transmit a copy of this Resolution to the Hon. Ron DeSantis, Governor of the State of Florida.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2019.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2019.

Filed with the Clerk on _____, 2019.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK