

# **Jacksonville Tree Commission**

**Thursday, August 8, 2019 – 9:30 AM**

**117 West Duval Street, Third Floor, Conference Room C**

**Commissioners:** Curtis Hart, Vice Chair  
Chris Flagg  
Aaron Glick  
John Pappas  
Mike Robinson  
Rhodes Robinson  
Ron Salem

**Advisors:** Susan Grandin  
Richard Leon  
Kathleen McGovern  
Joel Provenza

**Staff:** Cindy Chism

## **AGENDA**

*Order of Agenda is Subject to Change*

### **A. Call to Order and Verification of Quorum**

1. Roll Call
2. Submittal of Speaker's Cards
3. Approval of minutes from June 13, 2019 meeting
4. Fund balance and encumbrance report for 15(F), 15(N) and BJP – Joel Provenza
5. Status of Pending Tree Projects, Levels 1 and 2 – Kathleen McGovern

### **B. New Business**

1. Time of Commission Meetings – Curtis Hart
2. Schedule next Landscape Code revision meeting – Susan Grandin
3. Vote on Proposed Level 2 Project(s) – Kathleen McGovern
4. Vote on Water Trailer Purchase – Richard Leon
5. Florida House Bill 1159 – Curtis Hart
6. Other Municipalities Requesting Tree Trust Fund Monies – Susan Grandin
7. Timing Related to Initial Level 3 Application Submissions – John November
8. Chairman Election – Susan Grandin

### **C. Public Comment**

**D. Adjournment – the next meeting is scheduled for September 12, 2019.**

Jacksonville Tree Commission  
Meeting Minutes August 8, 2019  
Approved September 18th, 2019

<b>Commissioners Present:</b>	Curtis Hart, Vice Chair Chris Flagg Mike Robinson John Pappas Aaron Glick Rhodes Robinson	<b>Staff:</b>	Cindy Chism
<b>Advisors:</b>	Susan Grandin, OGC Kathleen McGovern, City Arborist Richard Leon, Urban Forest Manager	<b>Public:</b>	John Crescimbeni Dave McDaniel, Public Works John November, Public Trust Joshua Rosenberg, Duval Soil Chuck Gibson, Bldg Inspections Mike Zaffaroni, Liberty Landscape Joe Anderson, JEA Anna Dooley, Greenscape Mark Chowinard, City of Jax Beach Nikki Evans, COJ City Council

- A. Meeting was called to Order by Vice Chair at 9:35am.
1. All present introduced themselves for the record.
  2. Submittal of Speaker’s Cards.
  3. Motion made by Mr. R. Robinson, seconded by Mr. Flagg, for approval of minutes, none opposed.
  4. Fund balance and encumbrance report for 15(F), 15(N) and BJP (Attachment A) –Cindy Chism.
  5. Status of Pending Tree Projects including Levels 1 and 2 (Attachment B) – Kathleen McGovern.
- B. **New Business**
1. Time of Commission Meetings – Curtis Hart
    - a. Mr. Hart suggested changing the day and time of the Commission meetings and asked Ms. Evans what would fit into CM Salem’s calendar. She replied he had suggested meetings could be held on committee weeks, Wednesday mornings, 1<sup>st</sup> or 3<sup>rd</sup> Wednesday. **Motion by Mr. Flagg to move the Tree Commission meetings to the 3<sup>rd</sup> Wednesday of the month at 9:30am, seconded by Mr. R. Robinson, none opposed.**
  2. Schedule next Landscape Code revision meeting – Susan Grandin
    - a. Mr. Pappas suggested meeting on the 1<sup>st</sup> Wednesday of September at 9:30am. The Commission agreed. **The next meeting is September 4<sup>th</sup>.**
  3. Vote on Proposed Level 2 Project(s) – Kathleen McGovern
    - a. Kensington Tree Planting (Attachment C) – Mr. M. Robinson asked if a right of way permit will be required? Ms. McGovern replied that as our contractor is being used, the contractor already has the right-of-way permit. Mr. M. Robinson asked about watering. Ms. McGovern replied, the HOA wants to add these plantings to their irrigation as a result, the cost may drop. Mr. Flagg asked as the trees are replacing what was lost, was the possibility of planting in a more advantageous spot considered? Ms. McGovern replied that yes, alternate areas were considered. **Motion made by Mr. M. Robinson to approve the Level 2 Kensington Tree Planting Project, seconded by Mr. Flagg, none opposed.**
    - b. S-Line Biodiversity Corridor (Attachment D) – Mr. Glick asked about the fruit trees which were listed at the last meeting. Mr. Leon replied, they were removed because the planting site was possibly an ash

site. Mr. M. Robinson asked if CM Gaffney has been made aware as well as the Parks Department. Ms. McGovern agreed that the Councilmember has been notified and the Parks Department walked the site with the Division. Ms. McGovern pointed out the price being used was the non-irrigated price, the contractor will outfit the trees with watering bags. Mr. Pappas suggested coordinating with Mr. Eric Fuller for digging on a possible ash site. Ms. Grandin asked for clarification; the irrigated cost is less than the non-irrigated cost which seems backwards. Ms. McGovern replied, the irrigated price is if the site was already irrigated. If we were adding irrigation, that would be a separate line item. Ms. McGovern will note the difference on future documents. Mr. Crescimbeni pointed out a possible view obstruction where a Live Oak is scheduled to be planted possibly in front of a billboard in the triangle of Moncrief, the S-Line and 13<sup>th</sup> St. Ms. McGovern will ensure that will not be a problem. Mr. Anderson suggested submitting this project for a Florida Urban Forestry Council award and will forward the application.

**Motion made by Mr. Pappas to approve the Level 2 S-Line Biodiversity Corridor Planting Project, seconded by Mr. Glick, none opposed.**

4. Vote on Water Trailer Purchase – Richard Leon

- a. Ms. Grandin pointed out that yes it is possible to use Trust Fund monies to purchase the water trailer however, legislation must be drafted to waive the 25% limit for this purchase. Any on-going maintenance for the trailer will be absorbed by Mowing & Landscape budget. **Ms. Grandin will draft the legislation for the purchase.** Motion made by Mr. R. Robinson to approve purchasing the Water trailer, seconded by Mr. Glick, none opposed.

5. Florida House Bill 1159 (Attachment E)– Curtis Hart

- a. Mr. Hart pointed out he wasn't sure this Bill applied to us. If there was a dangerous tree on private property, do we require a permit to remove it now or are we just letting people cut it down. Ms. Grandin responded that right now the code requires a residential homeowner to get a permit in order to take down a tree in their yard whether it's diseased or not. However, that isn't really enforced or hasn't been in the last few years and we may want to evaluate that in the revisions we are currently reviewing. Mr. Hart asked how the code should read. Ms. Grandin replied in order to make it match the statute "for single residential property not capable of further subdivision, there is no permit fee required to remove a tree" or "no permit fee is required to remove a tree which is a danger to person or property" in order to make it track with the statute. Or we could just not have a permit fee for single family residential at all.
- b. Mr. Hart asked if this law required him to have a certified Arborist or licensed Landscape Architect declare a tree dangerous even though a city inspector has said it is? Ms. Grandin replied that the law doesn't require the homeowner to get the tree certified as dangerous by one of the specified personnel just that it must be done, so the City's licensed or certified staff member could do it. To have a disinterested 3<sup>rd</sup> party decide if the tree is dangerous or not is probably wise. **Mr. Hart asked Ms. Grandin to generate a policy as well as legislation for discussion at the next Landscape Code revision meeting.** Mr. McDaniel asked who in the City would go look at this private tree, Code Enforcement? Ms. Grandin responded that it would have to be either a certified Arborist or a licensed Landscape Architect. Mr. McDaniel added that currently Mowing & Landscape division removes all the dead trees on private property for Code Enforcement. This will be a budget burden for whatever Department this falls on. Mr. Crescimbeni asked if "residential property" is properly defined somewhere in our code? Ms. Grandin responded that no, nor is it defined in the statute. Mr. Crescimbeni suggested we define it in our code. Mr. Hart said he thought there may be a definition under the Subdivision Regulations. **Ms. Grandin will check for a definition of residential property and draft one, if necessary, for review at the Landscape Code revision meeting.**

6. Other Municipalities Requesting Tree Trust Fund Monies (Attachment F)– Susan Grandin

- a. Ms. Grandin was asked by the City of Jacksonville Beach if they could submit a Level 2 Tree Planting Project. According to the legislation, the Tree Fund monies may be used for any public land in Duval County. The City of Jacksonville Beach does not pay into our Tree Fund; they have their own Tree Fund. Does the Commission want to fund projects in Jacksonville Beach? Mr. Hart asked if there were any inter-local agreements with Jacksonville Beach. **Ms. Grandin didn't believe so, not with regard to trees but will check.** Mr. Hart added that even though they don't contribute to our fund, they are in Duval County and it will help aesthetically. Ms. Grandin added, perhaps they could share in the expense. Mr. November pointed out the Beaches have the lowest canopy cover of any of the districts, they are well-used and the legislation does say Duval County.
- b. Mr. Leon agreed that adding trees to Jacksonville Beach is beneficial but as a City of Jacksonville employee should he be spending his time on another City. However, Mr. Leon and Ms. McGovern did meet with Corey Nichols, a Jacksonville Beach City Councilmember and Michael Stephanopoulos, City Manager. They have also spoken with Josh Messinger, Neptune Beach City Councilmember, and Megan George, Deputy Public Works Director. These conversations are a result of the 630-City Tree Planting program; District 13 citizens are calling city requesting a tree. Mr. Leon suggests a single representative from each beach community as a contact point to evaluate each of the tree planting requests for approval. If approved by the representative, then our contractors will plant the trees.
- c. Mr. R. Robinson asked what type of protective measures do the other entities have for trees. Mr. November responded Neptune and Atlantic Beach's tree protection codes are stronger than the City of Jacksonville's. They do not allow removal on single family residential properties. In addition, they are evaluating licensure requirements for tree trimmers. Mr. R. Robinson added, it's easy for me to support using our tree funds to plant trees in their City if they have good tree protection codes in place. Mr. November added, they do and he believes they would be willing to take over all maintenance responsibilities as well as the watering.
- d. Mr. Crescimbeni suggested conversations with the administration regarding inter-local agreements. Mr. Hart added that yes that conversation with the administration does need to happen; however, the beaches are in Duval County, if they want to do any projects, they can submit their projects and we can decide on a project by project basis, including the watering and maintenance. Mr. McDaniel asked about the 630-City requests, should they be handled as Mr. Leon outlined; 1 representative from each community, who will make the site visit, approve the site and select a tree from our approved list. The Commission agreed, yes, that's the process.

7. Timing Related to Initial Level 3 Application Submissions – John November

- a. According to the Level 3 Application, projects are to be submitted by September 1, then staff has until September 30<sup>th</sup> to review them, which would then give the Commission approximately 17 days for review. Mr. Glick asked if 5-6 months from project submittal to planting is going to be the norm. Mr. November replied, yes that appears correct.

8. Chairman Election – Susan Grandin

- a. Mr. Hart asked Mr. Flagg if he would consider taking the position if asked. Mr. Flagg agreed he would. Mr. Hart asked if there was anyone else who may be interested. As there doesn't appear to be anyone else interested Mr. Hart made a motion to elect Mr. Flagg as the new Chair, seconded by Mr. Pappas, none opposed. Ms. Grandin added that in October another election will be held per the Bylaws.

C. Public Comment

John November – Right of Way Permit – the Development Services Division is struggling with approving a right of way permit before the project has been approved. Mr. McDaniel asked why this would be any different than

a homeowner who requests a permit to install something in the ROW, the Division gives him a “hold harmless” and then the homeowner says, no never mind, I’m not going to do it. Why is this different? Mr. November agrees, he doesn’t understand why they are having such a difficult time. **Mr. Hart will schedule a meeting with Ellyn Cavin, the new Chief of Development Services, Ms. Grandin and John November to discuss this issue.**

Need some guidance for timing on Performance Schedule; when it begins and when it ends and bidding out of construction – We won’t have an exact date for beginning and ending, could we list for instance “30 days after City Council approval we will begin and will complete 30 days after that.” Bidding out of construction could we list “within 15 days of award a bid request will be sent out to contractors with the expectation of their bid submission within 30 days and then work will begin 30 days after that.” (All number of days shown here are examples.) The Commission agreed this was acceptable.

Scope of Work is described as the design of the project - is there anything besides final drawings which should be submitted? Mr. Hart replied that this should show what you want to do. Mr. November then asked if the Commission has changes or suggestions for a submitted project at the first meeting will we have to wait until then next meeting to resubmit. Mr. Hart responded you shouldn’t have to wait for the next meeting; aren’t you working with staff already, so most of these changes or suggestions should be done before you even get to the first meeting. Mr. Flagg added list the anomalies in the Scope of Work, i.e., what may be costing more and why which should alleviate a lot of questions.

#### **D. Action Items**

Tree Commission meetings have been moved to the 3<sup>rd</sup> Wednesday of each month at 9:30am, same room.

The Next Landscape Code Revision meeting will be September 4<sup>th</sup> at 9:30am, same room.

The Kensington Tree Planting Project has been approved for submission to MBRC.

The S-Line Biodiversity Corridor Project has been approved for submission to MBRC.

Ms. Grandin will draft the legislation which waives the 25% limit for the purchase of the Water Trailer.

Ms. Grandin will generate a policy as well as legislation requiring a certified Arborist or licensed Landscape Architect declare a tree dangerous for discussion at the next Landscape Revision meeting.

Ms. Grandin will check for a definition of residential property and draft one, if necessary, for review at the Landscape Code revision meeting.

Ms. Grandin will check for inter-local agreements regarding trees with the Cities of Neptune, Atlantic and/or Jacksonville Beaches.

Mr. Hart will schedule a meeting to include Ellyn Cavin, the new Chief of Development Services, Ms. Grandin and John November to discuss the problems getting a permit for a Level 3 Project.

#### **E. Adjournment – the next meeting is scheduled for September 18, 2019 at 9:30am.**

INDEX CODE	Index Code Titles	BUDGET	Actual	Encumbrance	Unencumbered Budget Balance	Reserves	Unencumbered Balance net of Reserves
<b>Subfund 15F Revenue</b>							
PWOD15FTP	TREE PROTECTION & RELATED EXPENSES	31,640,503	45,748,415		14,107,912		14,107,912
JXSF15FPW	TREE PROTECTION & RELATED EXPENDITURES	8,332,649	9,146,993		814,344		814,344
JXSF15F	TREE PROTECTION & RELATED EXPENDITURES	-	8,580		8,580		8,580
TRIN15FFR31R	TRF TO 15F TREE PROTECTION FR 31F	392	392		-		-
	CONVERSION AND NONCASH REVENUE ENTRIES		338,836		338,836		338,836
	<b>Total Subfund 15F Revenue</b>	<b>39,973,545</b>	<b>55,243,216</b>	<b>-</b>	<b>15,269,671</b>		<b>15,269,671</b>
<b>* Subfund 15F Expenditures</b>							
PWOD15FFSAS	FORREST STREET ASH SITE TREE/PLANTING	587,850	581,856	5,995	-	-	-
PWOD15FNMS	NORTH MAIN STREET LANDSCAPING	62,057	51,611	10,446	-	-	-
PWOD15FBDAS	BROWN'S DUMP ASH SITE TREE/PLANTING	364,730	342,361	22,370	-	-	-
PWOD15FFCAS	5TH & CLEVELAND ASH SITE TREE/PLANTING	494,215	376,792	117,423	-	-	-
PWOD15FDCS	DUVAL COUNTY SCHOOL BOARD PROPERTY	125,000	32,757	-	92,244	-	92,244
PWOD15FDTP	DOWNTOWN TREE PLANTING	38,822	32,568	6,254	-	-	-
PWOD15FZLAE	ZOO LANDSCAPING-ASIAN EXHIBIT	1,824,408	792,976	1,031,432	-	-	-
PWOD15FIBCL	INTERSEC,BRIDGE,MISC 09/10 LANDSCAPING	100,000	81,532	-	18,468	-	18,468
PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY	4,979,980	4,693,432	230,311	56,238	-	56,238
PWML15F	TREE MAINTENANCE	2,149,689	2,141,086	290	8,312	-	8,312
PWOD15FATPP	AVONDALE TREE PLANTING PLAN	31,233	24,986	6,247	-	-	-
PWOD15FKSCP	KING ST. PLANTING COLLEGE TO PARK	85,366	69,260	16,106	-	-	-
PWOD15FHAMM	HAMMOND BLVD PROJECT	175,761	-	-	175,761	-	175,761
PWOD15FVPP	COUNTY-WIDE TREE PROG-PRESERVATION PARKS	1,000,000	485,146	-	514,854	-	514,854
PWOD15FVAP	COUNTY-WIDE TREE PROG-ACTIVE PARKS	1,151,965	619,420	-	532,545	-	532,545
PWOD15FOSABP	OLD ST.AUG AT BARTRAM PARK	18,364	16,528	1,836	(0)	-	(0)
PWOD15FLAVC	LENOX AVE.PLANTING VERA TO CASSAT	26,436	21,149	5,287	-	-	-
PWOD15FRBB	PATTON RD AND BEACH BLVD TREE PLANTING	32,203	13,346	18,857	0	-	0
PWML15F63OCT	630-CITY TREE PLANTING PROG	200,000	70,753	128,753	494	-	494
PWOD15FMANRD	MANDARIN ROAD TREE PLANTING	103,840	21,173	8,066	74,601	-	74,601
PWOD15FSRTR	SPRINGFIELD PRESERVATION TREE PLANTING	278,872	58,464	23,459	196,949	-	196,949
PWOD15FRAPR	RIVERSIDE AVONDALE PRES - RELEAF	781,748	366,316	415,432	-	-	-
PWOD15FLTTPP	LEVEL 2 TREE PLANTING PROGRAM	1,000,000	-	289,637	710,363	-	710,363
PWOD15FTP	TREE PROTECTION & RELATED EXPENSES	3,548,513	2,097,444	-	1,451,069	1,449,105	1,964
JXSF15FPW	TREE PROTECTION & RELATED EXPENDITURES	2,000,635	-	-	2,000,635	2,000,635	-
JXSF15F	TREE PROTECTION & RELATED EXPENDITURES	1,865,741	-	-	1,865,741	1,865,741	0
	<b>Subfund 15F Expenditures</b>	<b>23,027,427</b>	<b>12,990,953</b>	<b>2,338,200</b>	<b>7,698,274</b>	<b>5,315,481</b>	<b>2,382,793</b>

\* Includes accounts with encumbrances and budget balances

Unencumbered Budget Balance		
Revenues		15,269,671
Expenditures		7,698,274
Unencumbered Balance net of Reserves		(2,382,793)
<b>Subfund 15F Available to Appropriate (Budget less Actual less Encumbrance less Unencumbered Budget balance)</b>		<b>20,585,152</b>

INDEX CODE	Index Code Titles	BUDGET	Actual	Encumbrance	Unencumbered Budget Balance	Reserves	Unencumbered Balance net of Reserves
PWOD15NTM	Subfund 15N Revenue						
	TREE MITIGATION & RELATED EXPENSES	305,139	5,076,622	-	4,771,484	-	-
	<b>Total Subfund 15N Revenue</b>	<b>305,139</b>	<b>5,076,622</b>	<b>-</b>	<b>4,771,484</b>	<b>-</b>	<b>-</b>
*	<b>Total Subfund 15N Revenue</b>	<b>305,139</b>	<b>5,076,622</b>	<b>-</b>	<b>4,771,484</b>		<b>4,771,484</b>
PWOD15NHR	*Subfund 15N Expenditures						
JXSF15N	HARTS ROAD TREE PLANTING	7,548	1,294	6,253	-	-	-
	TREE MITIGATION & RELATED EXPENSE	1	-	-	1	1	-
	MANDARIN ROAD TREE PLANTING	62,205	13,286	3,321	45,598	-	45,598
PWOD15FPRBB	PATTON RD AND BEACH BVLD TREE PLANTING	62,080	62,080	-	-	-	-
	<b>Subfund 15N Expenditures</b>	<b>131,834</b>	<b>76,661</b>	<b>9,575</b>	<b>45,599</b>	<b>1</b>	<b>45,598</b>
	* Includes accounts with encumbrances and budget balances						
	<b>Subfund 15N Available to Appropriate (Budget less Actual less Encumbrance less Unencumbered Budget balance)</b>						<b>4,771,485</b>
PWCP351MIT	Better Jacksonville Plan						
	TREE MITIGATION PROJECT	1,717,826	-	-	1,717,826	-	1,717,826
	<b>Better Jacksonville Plan (for Tree Mitigation) Available to Appropriate (Budget less Actual less Encumbrance less Unencumbered Budget balance)</b>						<b>1,717,826</b>
<b>Total 15F and 15N Funds</b>							<b>25,356,636</b>
<b>Better Jacksonville Plan - TREE MITIGATION PROJECT</b>							<b>1,717,826</b>
<b>Grand Total 08/02/2019</b>							<b>27,074,462</b>
<b>Grand Total 06/10/19</b>							<b>26,460,314</b>
<b>Difference</b>							<b>614,148</b>

8/2/19

FY	DOC_NO	DOC SUFFIX	Sub fund	VENDOR_NAME	Amount	INDEX_CODE	Index Code Title
2019	CTPW07000014	01	15F	JACKSONVILLE ZOOLOGICAL SOCIETY	1031432.38	PWOD15FZLAE	ZOO LANDSCAPING-ASIAN EXHIBIT
2019	PO3019740001	04	15F	THE DAVEY TREE EXPERT COMPANY	29663.46	PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY
2019	PO3019740003	02	15F	THE DAVEY TREE EXPERT COMPANY	5994.5	PWOD15FFSAS	FORREST STREET ASH SITE TREE/PLANTING
2019	PO3019740004	02	15F	THE DAVEY TREE EXPERT COMPANY	22369.5	PWOD15FBDAS	BROWN'S DUMP ASH SITE TREE/PLANTING
2019	PO3019740005	02	15F	THE DAVEY TREE EXPERT COMPANY	117423	PWOD15FFCAS	5TH & CLEVELAND ASH SITE TREE/PLANTING
2019	PO7A02942006	01	15F	THE DAVEY TREE EXPERT COMPANY	10445.81	PWOD15FNMS	NORTH MAIN STREET LANDSCAPING
2019	PO7A02942018	01	15F	THE DAVEY TREE EXPERT COMPANY	1836.42	PWOD15FOSABP	OLD ST.AUG AT BARTRAM PARK
2019	PO7A02942019	01	15F	THE DAVEY TREE EXPERT COMPANY	16105.92	PWOD15FKSCP	KING ST. PLANTING COLLEGE TO PARK
2019	PO7A02942021	01	15F	THE DAVEY TREE EXPERT COMPANY	6246.52	PWOD15FATPP	AVONDALE TREE PLANTING PLAN
2019	PO7A02942023	01	15F	THE DAVEY TREE EXPERT COMPANY	5287.17	PWOD15FLAVC	LENOX AVE.PLANTING VERNA TO CASSAT
2019	PO7A02942025	01	15N	THE DAVEY TREE EXPERT COMPANY	6253.17	PWOD15NHR	HARTS ROAD TREE PLANTING
2019	PO7A02942026	01	15F	THE DAVEY TREE EXPERT COMPANY	18856.68	PWOD15FPRBB	PATTON RD AND BEACH BLVD TREE PLANTING
2019	PO8A01798017	01	15F	LEWIS TREE SERVICE, INC.	290.35	PWML15F	TREE MAINTENANCE
2019	PO8A01798019	01	15F	LEWIS TREE SERVICE, INC.	172975.63	PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY
2019	PO9A04239000	02	15F	ALLSTAR IRRIGATION	7856	PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY
2019	PO9A05520000	01	15F	FERNANDINA MULCH & STONE, LLC.	8066.35	PWOD15FMANRD	MANDARIN ROAD TREE PLANTING
2019	PO9A05520000	02	15N	FERNANDINA MULCH & STONE, LLC.	3321.49	PWOD15NMANRD	MANDARIN ROAD TREE PLANTING
2019	PO9A06015000	01	15F	FERNANDINA MULCH & STONE, LLC.	23459.24	PWOD15FSPRTP	SPRINGFIELD PRESERVATION TREE PLANTING
2019	PO9A08081001	01	15F	THE DAVEY TREE EXPERT COMPANY	415431.59	PWOD15FRAPRL	RIVERSIDE AVONDALE PRES - RELEAF
2019	PO9A08081003	01	15F	THE DAVEY TREE EXPERT COMPANY	4,392.04	PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY
2019	PO9A08081004	01	15F	THE DAVEY TREE EXPERT COMPANY	2,387.25	PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY
2019	PO9A08081005	01	15F	THE DAVEY TREE EXPERT COMPANY	13,036.30	PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY
2019	PO9A08081006	01	15F	THE DAVEY TREE EXPERT COMPANY	247,749.52	PWOD15FLTTPP	LEVEL 2 TREE PLANTING PROGRAM
2019	PO9A08081007	01	15F	THE DAVEY TREE EXPERT COMPANY	20,414.48	PWOD15FLTTPP	LEVEL 2 TREE PLANTING PROGRAM
2019	PO9A08644001	01	15F	FERNANDINA MULCH & STONE, LLC.	17,450.64	PWML15F630CT	630-CITY TREE PLANTING PROG
2019	PO9A08644002	01	15F	FERNANDINA MULCH & STONE, LLC.	21,472.80	PWOD15FLTTPP	LEVEL 2 TREE PLANTING PROGRAM
2019	PO9A08644003	01	15F	FERNANDINA MULCH & STONE, LLC.	89,481.60	PWML15F630CT	630-CITY TREE PLANTING PROG
2019	PO9A08644004	01	15F	FERNANDINA MULCH & STONE, LLC.	21,820.80	PWML15F630CT	630-CITY TREE PLANTING PROG

2,341,520.61



08/02/19

	FY2018 July	FY2018 August	FY2018 September	FY 2019 October	FY 2019 November	FY 2019 December	FY 2019 January	FY 2019 February	FY 2019 March	FY 2019 April	FY2019 May	FY2019 June	FY2019 July	FY2019 August
<b>FY 2018 Revenues by month</b>														
34375 TREE MITIGATION FUNDS - ARTICLE 25	15,035	78,707	34,100	48,100	112,999	96,792	54,168	26,146	119,640	47,804	81,548	18,714	28,268	-
361101 INVESTMENT POOL EARNINGS	40,772	40,877	45,812	-	27,825	31,552	39,249	42,747	54,262	56,976	65,426	64,904	51,668	-
36602 CONTRIBUTIONS FROM PRIVATE SOURCES	31,240	52,700	(120,465)	215,352	794,660	181,300	215,544	30,044	1,684,300	159,248	402,280	314,029	78,144	-
<b>(15F) TREE PROTECTION &amp; RELATED EXPENDITURES</b>	<b>87,047</b>	<b>172,284</b>	<b>(40,553)</b>	<b>263,452</b>	<b>935,484</b>	<b>309,644</b>	<b>308,961</b>	<b>98,936</b>	<b>1,858,202</b>	<b>264,028</b>	<b>549,254</b>	<b>397,647</b>	<b>158,080</b>	<b>-</b>
34375 TREE MITIGATION FUNDS - ARTICLE 25	15,620	103,331	23,325	52,875	152,212	45,675	198,209	15,905	8,633	14,162	49,494	30,806	15,622	-
361101 INVESTMENT POOL EARNINGS	7,409	7,695	8,828	-	5,404	6,137	7,646	8,450	10,914	11,460	12,255	12,082	9,555	-
<b>( 15N) TREE MITIGATION &amp; RELATED EXPENSE</b>	<b>23,029</b>	<b>111,026</b>	<b>32,153</b>	<b>52,875</b>	<b>158,591</b>	<b>51,812</b>	<b>205,855</b>	<b>24,356</b>	<b>19,547</b>	<b>25,622</b>	<b>61,749</b>	<b>42,888</b>	<b>25,177</b>	<b>-</b>
	<b>110,076</b>	<b>283,310</b>	<b>(8,400)</b>	<b>316,327</b>	<b>1,094,075</b>	<b>361,456</b>	<b>514,816</b>	<b>123,292</b>	<b>1,877,749</b>	<b>289,650</b>	<b>611,003</b>	<b>440,535</b>	<b>183,258</b>	<b>-</b>



# TREE MITIGATION

CITY OF JACKSONVILLE



### TREE REMOVAL PERMIT INFORMATION

Click here to search detailed information on Site Clearing and Tree Removal Permits. In reviewing tree removal information on a specific permit, for "B" permits click on the Spec 2 tab, for "L" permits click on the Tree Mitigation tab



### TREE FUND CITY PLANTING PROJECTS

Click here to search detailed information about City Tree Fund Planting Projects



### AVAILABLE FOR APPROPRIATION

15F (Ordinance):	\$20,585,150.84
15N (Charter):	\$4,771,484.89
Better Jacksonville Plan - Tree Mitigation Project:	\$1,717,826.00
<b>Total:</b>	<b>\$27,074,461.73</b>



### FILE AN ISSUE

Click here to report site clearing or tree removal without a permit, or to request tree maintenance on public property. In the CARE System, select "Tree Remove or Landscape Violation" from the dropdown.

*Disclaimer: The AVAILABLE FOR APPROPRIATION information shown on this page is updated nightly from the City's financial records, but does not include any pending appropriations, or other financial transactions of the funds which have not been completed*



If you experience difficulty viewing or accessing the documents provided on this site, or navigating this application's table features, using any assistive technology please contact the Disabled Services Division at 904-630-4940 or 904-630-4933 (TTY) to request an accommodation.

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Version: 1.0.0.E

**CITY OF JACKSONVILLE LEVEL 2 TREE PLANTING PROJECTS - ACTIVE**

Visit <https://pg-cloud.com/JacksonvilleFL/> for City of Jacksonville Tree Project Maps

Visit [jaxtreemitigation.coj.net](http://jaxtreemitigation.coj.net) - Tree Fund City Projects for links to legislation and planting details

	Requesting Entity	Project Scope	Status
	<b>Kensington Association HOA Director</b>	54 trees requested within Kensington Lakes city right of ways along Kensington Gardens Blvd. and Kensington Lakes Dr to replace trees lost due to storm damage/disease; may include removals. Planting Plan pending.	Submitted
	<b>St. Johns Episcopal Church Cathedral District Tree Planting</b>	50+ trees requested as Cathedral District (CD7) tree planting, may include removal of damaged/diseased trees. City right of way tree plantings within general proximity but not limited to State St to Catherine St. to Main St. to Adams St.; site evaluation scheduled	In Development
	<b>Executive Director, Tree Hill Nature Center</b>	22 trees requested in Tree Hill amphitheater parking area; site plan complete; no removals required; ready for review pending cost estimate per new countywide tree planting contract.	In Progress
	<b>San Marco Preservation Society and Greenscape, San Marco Tree Planting</b>	102 Trees requested in city right of ways within District 5, includes removal of damaged/diseased trees; site evaluation scheduled	Scheduling
	<b>Sheffield Elementary School PTA President</b>	10 Trees requested to provide shade for existing play area/field at Sheffield Elementary School; site visit complete - pending design and review.	In Progress
	<b>S-Line Biodiversity Corridor Tree Planting</b>	Installation of 25 trees throughout the S-Line Trail Biodiversity Corridor. This will offer additional tree canopy and shade to the trail.	Submitted

CITY OF JACKSONVILLE TREE PLANTING PROJECTS - ACTIVE

Visit <https://pg-cloud.com/jacksonville/fl/> for City of Jacksonville Tree Project Maps

Visit [jartremittigation.coj.net](http://jartremittigation.coj.net) - Tree Fund City Projects for links to legislation and planting details

CD	Project Title	Project Scope	Project or Ordinance Number	Division/Project Manager	Estimated Cost	Actual Cost	Anticipated Start Date	Actual Start Date	Anticipated Completion Date	Actual Completion Date	Status
7	Main Street	Tree removal and planting on N. Main St. between 1st, St. and 7th St.	2017-0111-E	Public Works - Mowing and Landscape Richard Leon/Fred Pope	\$22,057.00	\$20,176.85	8/20/2018	8/20/2018	9/17/2018	10/18/2018	Complete
7	Harts Rd & Dunn Ave Medians and Streetscape in Downtown Jacksonville	5 Date Palms to be planted on two medians on Harts Rd at the cross street of Dunn Ave. (Phase 1) 6 Date Palms to be planted as replacements in Downtown (at 14 on Riverside Ave., 2 on Adam St. W., 1 on Forsyth St. W., 1 on Monroe St) (Phase 2) 13 Date Palms total. Includes removal of existing Date Palm stumps in city street planting boxes. Introduced by CM Gaffney. Appropriation from Tree Fund 15F.	2018-0007-E	Public Works - Mowing and Landscape Richard Leon/Kathleen McGovern	\$62,540.03	\$62,540.03	Phase 1 4/10/2018 Phase 2 4/25/18	Phase 1 3/23/2018 Phase 2 4/30/18	Phase 1 6/11/18 Phase 2 6/11/18	6/11/2018	Complete
5	Old St. Augustine Rd Medians	Two median tree plantings on Old St. Augustine Rd from Barran Park Blvd to entrance of Palmetto Leaves Park South. (No removals). Introduced by CM Scheinberg. Appropriation from Tree Fund 15F.	2018-0043-E	Public Works - Mowing and Landscape Richard Leon/Kathleen McGovern	\$18,364.21	\$18,364.21	4/20/2018	6/1/2018	8/8/201	10/18/2018	Complete
14	King Streets	King St. from College St to Park St., replacement planting on nine medians and sidewalk cut-outs. Introduced by CM Love. Appropriation requested from 15F.	2018-0159-E	Public Works - Mowing and Landscape Richard Leon/Kathleen McGovern	\$85,365.23	\$73,813.92	5/11/2018	5/11/2018	8/20/2018	10/18/2018	Complete
4	Patton Rd/Beach Blvd - Southside	Right of Way Plantings on two adjacent sites at the intersection of Patton Rd. and Beach Blvd. (no removals) and residential right of way plantings. Introduced by CM Scott Wilson and through citizen request. Appropriation requested from 15F. (\$32,202.87) and 15N. (\$62,080.39)	2018-0190-E	Public Works - Mowing and Landscape Dave McDaniel/Kathleen McGovern	\$94,283.35	\$94,283.35	11/15/2018	2/20/2019	3/14/2019	3/14/2019	Complete
14	Avondale Neighborhood Tree Planting Plan	Tree Planting in City ROW on residential streets in Avondale replace dead/storm damaged trees. Introduced by CM Love. Appropriation requested from 15F.	2018-0273-E	Public Works - Mowing and Landscape Richard Leon/Kathleen McGovern	\$31,232.60	\$31,232.60	7/19/2018	7/19/2018	8/20/2018	12/20/2018	Complete
4	Lenox Ave. Tree Planting	Tree Planting in City ROW tree planting (no removals) on Lenox Ave. from Shen Ave to Cast Ave. Introduced by CM Dennis. Appropriation requested from 15F.	2018-0307-E	Public Works - Mowing and Landscape Dave McDaniel/Kathleen McGovern	\$26,435.84	\$26,435.84	10/12/2018	10/15/2018	10/26/2018	12/20/2018	Complete
7	Harts Rd. II Medians and Right of Way	Tree Planting in City ROW and medians. Introduced by CM Gaffney.	2018-0369-E	Public Works - Mowing and Landscape Dave McDaniel/Kathleen McGovern	\$31,265.81	\$31,265.81	9/12/2018	9/12/2018	10/2/2018	12/20/2018	Complete
6	Mandarin Rd. Tree Planting	Tree Planting in City ROW tree planting along new trail/walk and supplementing existing medians. (65 trees and MOT) Introduced by CM Scheinberg. Appropriation requested from 15N and 15F.	2018-0791-E	Public Works - Mowing and Landscape Richard Leon/Kathleen McGovern	\$165,045.00	\$45,846.43	3/25/2019	3/25/2019	4/14/2019	4/14/2019	Complete - Liberty Landscape Supply
7	Springfield Neighborhood Tree Planting - SPAR collaboration	Tree Planting in City ROW on residential streets and businesses in Springfield for tree planting requests and to replace dead/storm damaged trees. (146 trees) Introduced by CM Gaffney. Appropriation requested from 15F.	2018-0792-E	Public Works - Mowing and Landscape Richard Leon/Kathleen McGovern	\$278,872.00	\$81,922.79	3/25/2019	4/14/2019	6/25/2019	6/25/2019	Complete - Liberty Landscape Supply
14	RAP Relief Neighborhood Tree Planting - RAP collaboration	Tree Planting in City ROW on residential streets and businesses in District 14 for tree planting requests and replacement dead/storm damaged trees. (364 trees) Introduced by CM Love. Appropriation requested from 15F.	2019-0044-E	Public Works - Mowing and Landscape Richard Leon/Kathleen McGovern	\$781,748.00		4/20/2019	5/1/2019			Installation in Progress - Davey Tree
8	District 8 Tree Planting	Tree Planting in Yancey Park, Orchard Rd. Median, and Montford - Denton Rd. right of way. Introduced by CM Pittman. Appropriation requested from 15F.	2019-0521	Public Works - Mowing and Landscape Richard Leon/Kathleen McGovern	\$26,921.95						In Legislation



ONE CITY. ONE JACKSONVILLE

**Kensington Tree Planting**

**Description:**

Kensington Association HOA has requested a tree planting to replenish the Urban Tree Canopy in the Kensington Neighborhood. This planting would replace trees that have been lost due to disease or weather, as well as planting new trees to help mitigate the loss of urban forest in Jacksonville's district three. This neighborhood has lost several trees to weather over the past several years due to the frequent occurrence of strong storms, including Hurricanes Matthew and Irma. Due to the strong winds and rainfall of these storms, some of the younger trees in the Kensington neighborhood were unable to survive, resulting in a loss detrimental to the urban tree canopy. This project would be planting 54 new trees to replace the lost canopy, featuring species that will be truly valuable to the tree canopy due to the shade they can provide and carbon they can sequester from the air. These trees will all be planted in the median or right of way, in locations chosen that will be suit the selected species. To view these species chosen, and their location, please view the City Canopy Planner at <https://pg-cloud.com/JacksonvilleFL/>. This plan does not require the removal of any trees or any stumps. Trees were not only selected based upon location and the needs of healthy tree growth, but also considering what is already planted there. For instance, there will be Crape Myrtles planted to compliment those already planted, along with Sycamores to pair with some of the larger specimens in the neighborhood. All trees will be planted along city-maintained roads and as of the initial inspection will not lead to any problems with existing utilities. The planting will be provided by a contractor utilized by the city with the City's Countywide Tree Planting Contract one year warranty operation.

\*\*INTERNAL USE ONLY\*\*

### PLANTING PROJECT SUGGESTION WORKSHEET

First Contact: 11-8-18 call CARE Issue #: \_\_\_\_\_

1. Name/Title of Project: KENSINGTON TREE PLANTING

2. Legal Name of Organization/Citizen Making Suggestion:  
KENSINGTON ASSOCIATION HOA / CARLIN ANDERSON

3. Organization or Citizen Mailing Address:  
BCN SVCS, INC. 920 THURST SUITE B HERNDLE BEACH  
FL 32266

4. Contact Phone Number: 904-616-6542 Contact Email Address: CA-KENSINGTON@YAHOO

5. Meeting Scheduled:  Yes  No Date: 12-11 8:00 COMMUNITY  
POOL OFF

6. Location/Address of Planting Project:  
KENSINGTON LAKES DR AND KENSINGTON GONS. BLVD.

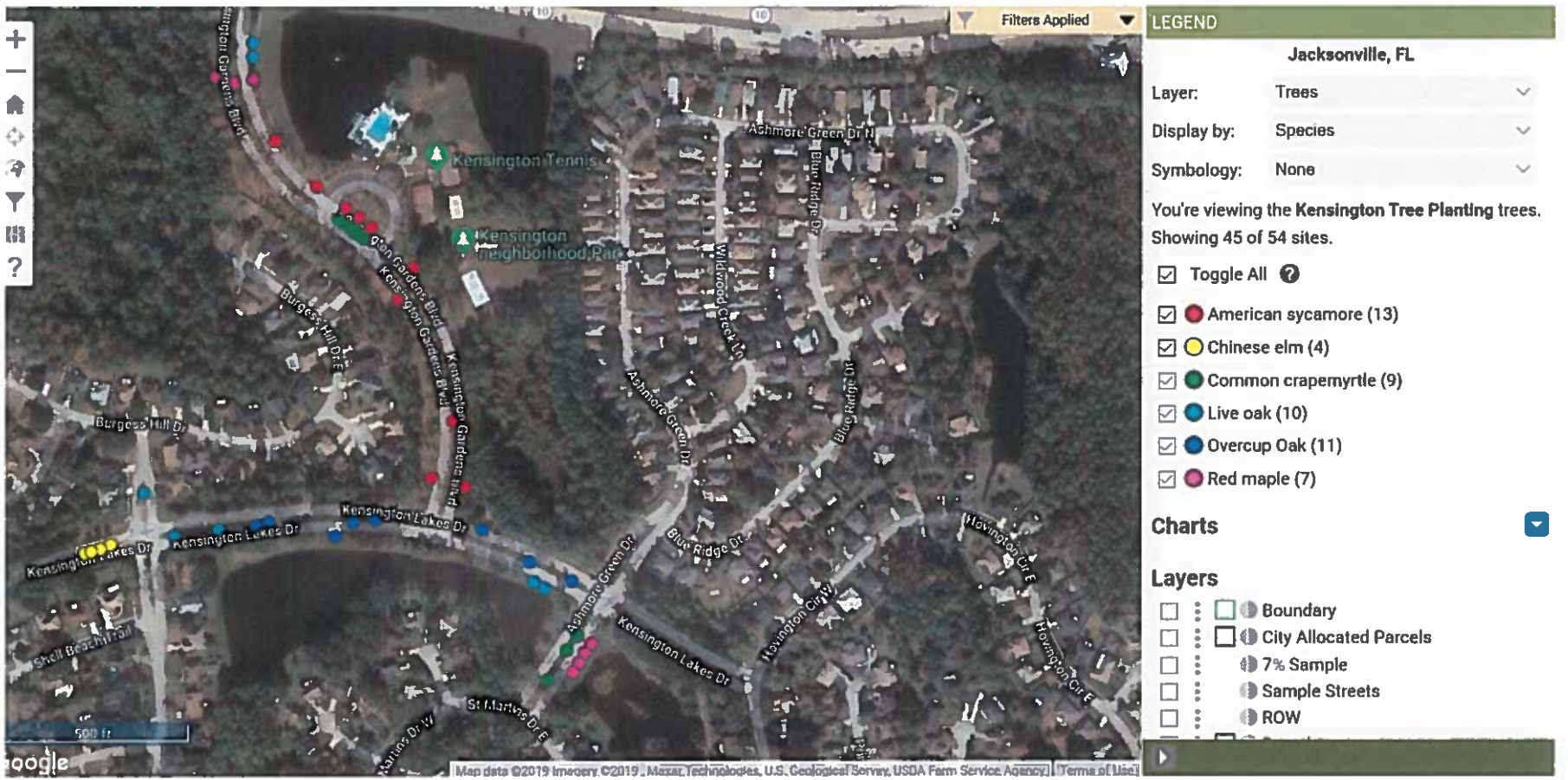
7. Has project information been shared with the Council Member of the district? Yes  No   
CM CRESCENT  
CM BOWMAN

8. Rationale for Project (include information about the public benefit of the project):  
REPLACEMENT OF CROW TREES DUE TO STORM LOSS  
AND/OR DISEASE, AND ROW TREE PLANTING  
(RESIDENTIAL)

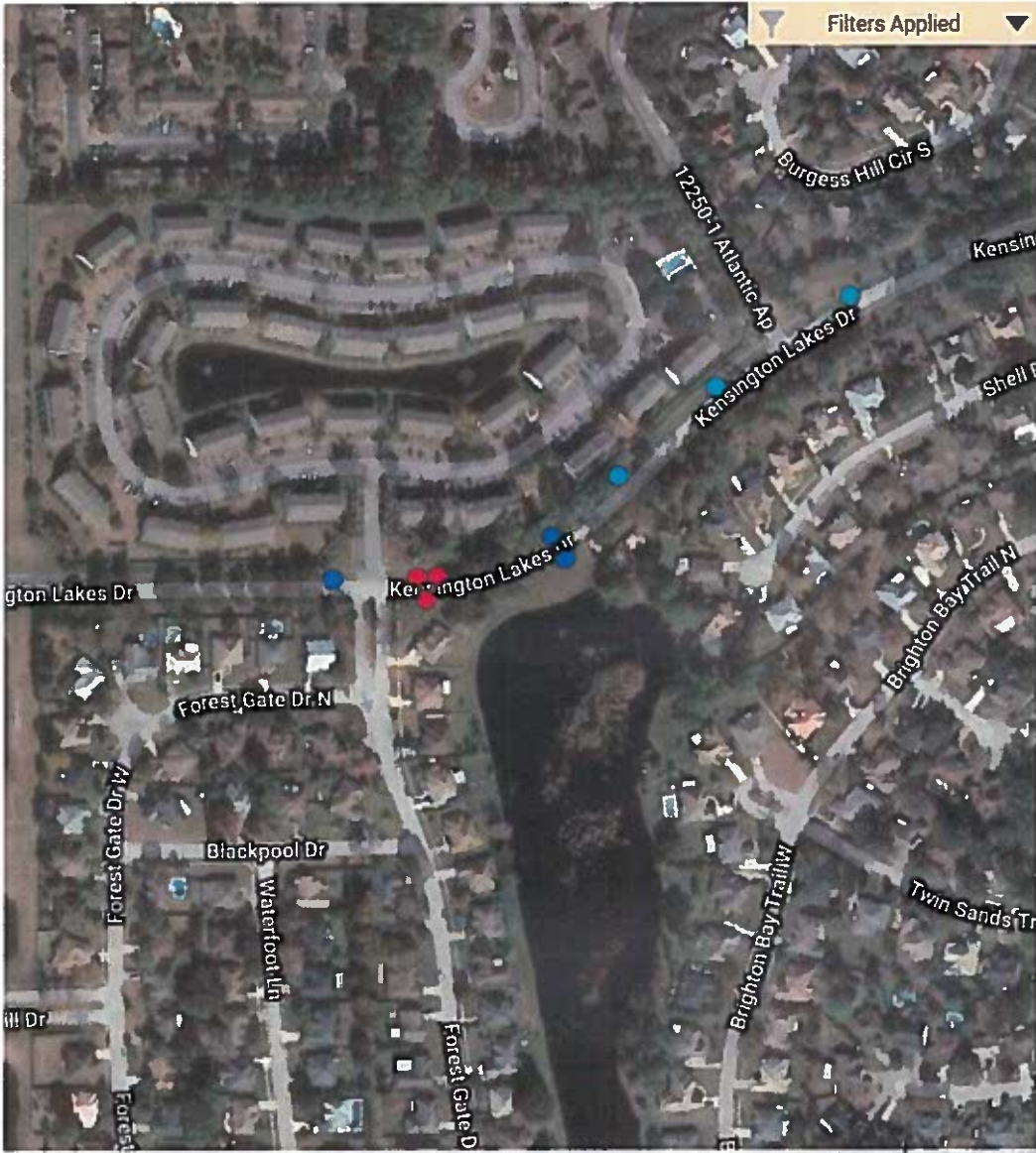
9. Description of project:  
SE CORNER OF KOPMAN BLVD + ATLANTIC  
10-15 TREES IN VARIOUS LOCATIONS ALONG  
KENSINGTON GONS BLVD AND KENSINGTON  
LAKES DR.

# Kensington Tree Planting

www.pg-cloud.com/JacksonvilleFL/



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**LEGEND**

**Jacksonville, FL**

Layer: Trees

Display by: Species

Symbology: None

You're viewing the **Kensington Tree Planting** trees. Showing 9 of 54 sites.

Toggle All ?

- American sycamore (13)
- Chinese elm (4)
- Common crapemyrtle (9)
- Live oak (10)
- Overcup Oak (11)
- Red maple (7)

**Charts** [dropdown arrow]

**Layers**

- Boundary
- City Allocated Parcels
- 7% Sample
- Sample Streets
- ROW

Map data ©2019 Imagery ©2019, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency | Terms of Use

7



KENSINGTON TREE PLANTING - COJ - LEVEL 2  
<https://hg-cloud.com/JacksonvilleFL/>

pid	Address	Latin Name	Common Name	Tree Comments	Unit Price
7292	12343 Kensington Lakes Drive	Quercus lyrata	Overcup Oak		2113.77
7300	2011 Forest Gate Drive East	Platanus occidentalis	American sycamore		2087.04
7298	2011 Forest Gate Drive East	Platanus occidentalis	American sycamore		2087.04
7297	2011 Forest Gate Drive East	Platanus occidentalis	American sycamore		2087.04
7294	12312 Kensington Lakes Drive	Quercus lyrata	Overcup Oak		2113.77
7293	12312 Kensington Lakes Drive	Quercus lyrata	Overcup Oak		2113.77
7292	12312 Kensington Lakes Drive	Quercus virginiana	Live oak		2607.26
7290	Kensington Lakes Drive	Quercus virginiana	Live oak		2607.26
7289	12340 Burgess Hill Circle South	Quercus virginiana	Live oak		2607.26
7288	12373 Shell Beach Trail	Ulmus parvifolia	Chinese elm		2796.43
7287	12373 Shell Beach Trail	Ulmus parvifolia	Chinese elm		2796.43
7286	12373 Shell Beach Trail	Ulmus parvifolia	Chinese elm		2796.43
7285	1992 Brighton Bay Trail	Ulmus parvifolia	Chinese elm		2796.43
7283	1992 Brighton Bay Trail	Quercus virginiana	Live oak		2607.26
7282	2001 Brighton Bay Trail	Quercus virginiana	Live oak		2607.26
7280	2001 Brighton Bay Trail	Quercus virginiana	Live oak		2607.26
7279	12410 Burgess Hill Drive	Quercus lyrata	Overcup Oak		2113.77
7278	12406 Burgess Hill Drive	Quercus lyrata	Overcup Oak		2113.77
7276	1962 Delamere Court	Quercus lyrata	Overcup Oak		2113.77
7275	1974 Delamere Court	Quercus lyrata	Overcup Oak		2113.77
7273	1974 Delamere Court	Quercus lyrata	Overcup Oak		2113.77
7272	2015 Saint Martins Drive East	Lagerstroemia indica	Common crepe myrtle		2196.02
7271	2015 Saint Martins Drive East	Acer rubrum	Red maple		2399.59
7270	2015 Saint Martins Drive East	Acer rubrum	Red maple		2399.59
7268	2015 Saint Martins Drive East	Acer rubrum	Red maple		2399.59
7267	2015 Saint Martins Drive East	Acer rubrum	Red maple		2399.59
7266	2015 Saint Martins Drive East	Lagerstroemia indica	Common crepe myrtle		2196.02
7265	2015 Saint Martins Drive East	Lagerstroemia indica	Common crepe myrtle		2196.02
7264	12575 Ashmore Green Drive	Quercus lyrata	Overcup Oak		2113.77
7263	12411 Playley Green Court	Quercus virginiana	Live oak		2607.26
7262	12411 Playley Green Court	Quercus virginiana	Live oak		2607.26
7261	12411 Playley Green Court	Quercus lyrata	Overcup Oak		2113.77
7259	12411 Playley Green Court	Quercus lyrata	Overcup Oak	Should be planted ~8 ft from driveway	2113.77

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KENSINGTON TREE PLANTING - COJ - LEVEL 2  
<https://pg-cloud.com/Jacksonville/FL/>

7255	1971 Delamere Court	Platanus occidentalis	American sycamore	2087.04
7254	1971 Delamere Court	Platanus occidentalis	American sycamore	2087.04
7252	1963 Delamere Court	Platanus occidentalis	American sycamore	2087.04
7250	1857 Burgess Hill Drive East	Platanus occidentalis	American sycamore	2087.04
7249	1851 Burgess Hill Drive East	Platanus occidentalis	American sycamore	2087.04
7248	1602 Kensington Gardens Boulevard	Quercus virginiana	Live oak	2607.26
7242	1602 Kensington Gardens Boulevard	Quercus virginiana	Live oak	2607.26
7241	1602 Kensington Gardens Boulevard	Acer rubrum	Red maple	2399.59
7240	1602 Kensington Gardens Boulevard	Acer rubrum	Red maple	2399.59
7238	1602 Kensington Gardens Boulevard	Acer rubrum	Red maple	2399.59
7236	1813 Burgess Hill Drive East	Platanus occidentalis	American sycamore	2087.04
7235	1665 Kensington Gardens Boulevard	Platanus occidentalis	American sycamore	2087.04
7234	1665 Kensington Gardens Boulevard	Platanus occidentalis	American sycamore	2087.04
7233	1665 Kensington Gardens Boulevard	Platanus occidentalis	American sycamore	2087.04
7232	1665 Kensington Gardens Boulevard	Platanus occidentalis	American sycamore	2087.04
7231	1665 Kensington Gardens Boulevard	Lagerstroemia indica	Common crapemyrtle	2196.02
7230	1665 Kensington Gardens Boulevard	Lagerstroemia indica	Common crapemyrtle	2196.02
7229	1665 Kensington Gardens Boulevard	Lagerstroemia indica	Common crapemyrtle	2196.02
7227	1665 Kensington Gardens Boulevard	Lagerstroemia indica	Common crapemyrtle	2196.02
7226	1665 Kensington Gardens Boulevard	Lagerstroemia indica	Common crapemyrtle	2196.02
7223	1665 Kensington Gardens Boulevard	Lagerstroemia indica	Common crapemyrtle	2196.02



August 1, 2019

THE DAVEY TREE EXPERT COMPANY  
4563 Sunbeam Road  
Jacksonville, Florida 32257

To: Kathleen McGovern  
Mowing & Landscape Maintenance Division  
City of Jacksonville

Re: COJ Kensington Tree Planting – Level 2

The Davey Tree Expert Company proposes to furnish all necessary labor, materials, equipment, transportation, taxes and insurance as per specification.

Description of Services

**Kensington Tree Planting – Level 2**

Task	Specs	Quantity	Unit	Unit Price	Total
American Sycamore	3' Cal, 12"Ht, 6' Spd	13	EA	\$ 2,087.04	\$ 27,131.52
Overcup Oak	3" Cal, 12' Ht, 6' Spd	11	EA	\$ 2,113.77	\$ 23,251.47
Live Oak	3" Cal, 12' Ht, 6' Spd	10	EA	\$ 2,607.26	\$ 26,072.60
Drake Elm	3" Cal, 12' Ht, 6' Spd	4	EA	\$ 2,796.43	\$ 11,185.72
Tuskegee Crape Myrtle	Min. 3 Trk, 12' Ht, 6' Spd	9	EA	\$ 2,196.02	\$ 19,764.18
Red Maple	3" Cal, 12' Ht, 6' Spd	7	EA	\$ 2,399.59	\$ 16,797.13
<b>Total:</b>					<b>\$ 124,202.62</b>

Respectfully submitted,

*Ron Morgan*

M: 904-545-8142  
O: 904-768-8733  
F: 904-768-2298  
Ron.Morgan@davey.com

Authorizing signature \_\_\_\_\_ Date \_\_\_\_\_

## Level 2 - Community Organization Tree Planting Program Staff Checklist

Total number of trees to be installed 54

Project Title: Kensington Tree Planting

Total number of trees to be removed 0

Project is to be planted on Public Land

Project is located in Duval County

Activity	Complete
1 The species of trees are appropriately located.	✓
2 The number and placement of trees is appropriate.	✓
3 Trees being planted are approved pursuant to the ' <u>Tree Commission Approved Tree Planting List</u> '.	✓
4 Shade Trees are preferred; if non-shade trees are proposed, the use is appropriated/acceptable.	✓
5 Less than 25% of the total species of trees being planted are palms.	✓
6 The planting will not interfere with utilities or sight line requirements.	✓
7 The project does not include incidental landscaping. If so, the applicant must justify the reason for its inclusion.	✓
8 Construction required? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, are costs reasonable?	✓
9 Irrigation installed? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, are costs reasonable?	✓
10 The cost of the species of trees selected do not outweigh the benefits of the trees.	✓
11 Low maintenance plants are utilized.	✓
12 Location of plant material and irrigation (if applicable) has minimum adverse impact over time on infrastructure such as walks and roads.	✓

8

Activity		Complete
13	Species of trees being planted are beneficial to the City's tree canopy.	✓
14	The project provides unique benefit to the neighborhood, Council District, or City.	✓
15	The project has been reviewed with and meets the needs of the requesting entity.	✓
16	The Councilmember has been notified of the project.	✓

<b>COMMENTS:</b>

6



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Attachment D

## S-Line Biodiversity Corridor Tree Planting

### Description of Program

This proposed project, the S-Line Trail Biodiversity Corridor, a smaller section of a much larger proposed thirty mile urban greenway (Emerald Trail) composed of trails, parks, green infrastructure, art and restored creeks being spearheaded by Groundwork Jacksonville, a 501-(c)-3. Once completed, the Emerald Trail will encompass nine segments and include phases of work to restore creeks and construct trails within Jacksonville's Urban Core. This project engages local underserved communities with the opportunity to be part of the rejuvenation of Jacksonville's green infrastructure.

This application is specifically for the S-Line Trail Biodiversity Corridor, a rails-to-trails project by the City that converted old railways to a multiuse trail running through numerous urban neighborhoods. The S-Line Trail Biodiversity Corridor, between Moncrief Rd. and Boulevard St., was selected for its proximity to two large low-income apartment complexes and a church in addition for the heavy foot/bike traffic by children to and from school. The City will assist with the purchase shade and flowering trees throughout the S-Line Trail Biodiversity Corridor which will offer additional tree canopy and offer the local community and work with Groundwork Jacksonville, the general contractor on this project, due to their experience planning and executing quality community art and greenspace projects. The City choose to partner with Groundwork Jacksonville for their dedication and innovation in installing green infrastructure and art in Jacksonville's Urban Core while engaging youth from these neighborhoods in environmental stewardship. Groundwork Jacksonville will provide the planning and site management, design plans, a portion of the project cost, and volunteer recruitment and management to complete aspects of the S-Line Trail Biodiversity Corridor. The City will assist Groundwork Jacksonville by providing the trees specified in the design, mulch and helping with public outreach.

The model segment for the Emerald Trail will be an excellent example of how the City of Jacksonville is working with various organizations to beautify a historically underserved community. This collaboration will bring together multiple stakeholders to provide an educational experience while continuing to build the Emerald Trail.

## LEVEL 2 COMMUNITY ORGANIZATION TREE PLANTING PROGRAM

The form below provides individual citizens and organizations with the opportunity to suggest a location for a tree planting project within Duval County that proposes to use funds from the City of Jacksonville Tree Protection and Related Expenses Trust Fund. If a citizen or organization is interested in suggesting a planting location for the City to implement, then this form should be used.

### Requirements to utilize this Program:

1. The location of the proposed planting must be:
  - a. In Duval County; and
  - b. On public property, such as a road right-of-way; a local, state or national park; Duval County School Board property, etc.
2. The number of trees requested may not exceed 200.

### The following information must be provided:

1. Name/Title of Project: Emerald Trail (S-Line Rail Trail) Biodiversity Corridor
2. Legal Name of Organization/Citizen Making Suggestion: Groundwork Jacksonville, Inc.
3. Organization or Citizen Mailing Address: P.O. BOX 13295 Jacksonville, FL 32206
4. Contact Phone Number: 904-401-0453 Email: kay@groundworkjacksonville.org
5. Location/Address of Planting Project: Emerald Trail (S-Line Rail Trail) between N. Davis St. and Boulevard St. Jacksonville, FL 32209
6. Has project information been shared with the Council Member of the district? \_\_\_\_\_
7. Rationale for Project (include information about the public benefit of the project): The Biodiversity Corridor is a demonstration project/outdoor classroom public space focused on green infrastructure components that improve air and water quality like rain gardens to include native/low maintenance plantings, as well as spice garden, boardwalk and other park amenities such as lighting and interpretive signage. \_\_\_\_\_
8. Description of project: Groundwork Jax is engaging the community surrounding the S-Line Rail Trail to identify where and what type of amenities should be planted this summer. The Green Team Youth Corps will extend the bioswale, add to the pollinator garden, install a rain garden, spice garden, shade and flowering trees. An additional art component will be incorporated in partnership with Jax Makerspace, the Jacksonville Public Library's Gallery.

S-LINE BIODIVERSITY CORRIDOR TREE PLANTING  
<https://pg-cloud.com/JacksonvilleFL/>



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August 1, 2019

Re: Groundwork Jacksonville S-Line Biodiversity Corridor

In accordance with bid # CP-0100-19, Liberty Landscape Supply proposes the following to include all labor, materials, equipment, taxes, delivery, installation, insurance, warranty, etc.:

Item	Quantity	Price-		Total
		Irrigated	Non-Irrigated	
Persimmon, 30 Gal., 8-10' Ht.	2	\$587.00	\$704.40	\$1,408.80
Red Bud, 3" Cal, 12' Ht, 65G or 36" B&B	4	\$1,093.00	\$1,311.60	\$5,246.40
Fringe Tree, (Chionanthus Virginicus), 2.5" Cal, 10' Ht, 36" B&B, Std	13	\$1,088.00	\$1,280.60	\$16,647.80
Sycamore, 3" Cal, 12' Ht, 6' Spd, 65G or 36" B&B	3	\$906.00	\$1,087.20	\$3,261.60
Live Oak, 3" Cal, 12' Ht, 6' Spd, 65G or 36" B&B	3	\$1,218.00	\$1,461.60	\$4,384.80
<b>Total</b>	<b>25</b>			<b>\$30,949.40</b>

Respectfully,

Mike Zaffaroni

Liberty Landscape Supply

13385 N. Main St

Jacksonville, FL 32218

## Level 2 - Community Organization Tree Planting Program Staff Checklist

Total number of trees to be installed 25

Project Title:

Project is to be planted on Public Land

Total number of trees to be removed 0

S-LINE BIODIVERSITY CORRIDOR  
TREE PLANTING

Project is located in Duval County

Activity	Complete
1 The species of trees are appropriately located.	✓
2 The number and placement of trees is appropriate.	✓
3 Trees being planted are approved pursuant to the ' <i>Tree Commission Approved Tree Planting List</i> .'	✓
4 Shade Trees are preferred; if non-shade trees are proposed, the use is appropriated/acceptable.	✓
5 Less than 25% of the total species of trees being planted are palms.	✓
6 The planting will not interfere with utilities or sight line requirements.	✓
7 The project does not include incidental landscaping. If so, the applicant must justify the reason for its inclusion.	✓
8 Construction required? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, are costs reasonable?	✓
9 Irrigation installed? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, are costs reasonable?	✓
10 The cost of the species of trees selected do not outweigh the benefits of the trees.	✓
11 Low maintenance plants are utilized.	✓
12 Location of plant material and irrigation (if applicable) has minimum adverse impact over time on infrastructure such as walks and roads.	✓

Activity		Complete
13	Species of trees being planted are beneficial to the City's tree canopy.	✓
14	The project provides unique benefit to the neighborhood, Council District, or City.	✓
15	The project has been reviewed with and meets the needs of the requesting entity.	✓
16	The Councilmember has been notified of the project.	✓

<b>COMMENTS:</b>

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS  
FINAL BILL ANALYSIS**

**BILL #:** CS/HB 1159 Private Property Rights  
**SPONSOR(S):** State Affairs Committee; La Rosa and others  
**TIED BILLS:** IDEN./SIM. BILLS: CS/CS/SB 1400

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	12 Y, 3 N	Rivera	Miller
2) Commerce Committee	19 Y, 4 N	Smith	Hamon
3) State Affairs Committee	19 Y, 4 N, As CS	Rivera	Williamson

**FINAL HOUSE FLOOR ACTION:** GOVERNOR'S ACTION: Approved  
 77 Y's 36 N's

**SUMMARY ANALYSIS**

CS/HB 1159 passed the House on April 25, 2019, and subsequently passed the Senate on April 26, 2019.

Counties and municipalities develop and implement land use comprehensive plans and ordinances to manage growth within their jurisdictions. Comprehensive plans must be sensitive to private property rights and not inordinately burden property owners. The "Bert Harris, Jr., Private Property Rights Protection Act" entitles property owners to relief when government action inordinately burdens their existing use of real property or any vested right to a specific use of real property.

Local government vegetation and tree maintenance regulations vary but can require property owners to obtain permits before pruning, trimming, or removing any tree. Property owners with native mangrove trees on their property are subject to additional state or, in certain instances, local regulation. Electric utilities are also subject to federal requirements when maintaining vegetation in utility rights-of-way.

The bill prohibits local governments from requiring a permit, application, notice, fee, approval, or mitigation for the pruning, trimming, or removal of a dangerous tree on residential property upon documentation by a certified arborist or licensed landscape architect, and prohibits local governments from requiring a property owner to replant a tree that is maintained under the specified conditions. The bill does not affect authority delegated under the state's mangrove protection laws. The bill also allows a property owner adjacent to an electric utility right-of-way to request an electric utility perform vegetation maintenance in the right-of-way without approval from the local government.

The bill requires county property appraisers to post a Property Owner Bill of Rights on their websites, which lists a property owner's right to acquire, possess, and protect property; use and enjoy property; exclude others from property; dispose of property; due process; just compensation for property taken for a public purpose; and relief when a new state or local government law, rule, regulation, or ordinance unfairly affects property. The website must state the Bill of Rights is not comprehensive and does not represent all property rights under Florida law.

The bill may have a negative, insignificant fiscal impact to local governments.

The bill was approved by the Governor on June 26, 2019, ch. 2019-155, L.O.F., and will become effective on July 1, 2019.

## 1. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Present Situation

##### Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>1</sup> Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.<sup>2</sup> Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide services, and exercise any power for municipal purposes except when expressly prohibited by law.<sup>3</sup>

County governments have authority to prepare and enforce comprehensive plans for the development of the county and provide fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.<sup>4</sup> Municipalities are afforded broad home rule powers with the exception of annexation, merger, exercise of extraterritorial power, or subjects prohibited or preempted by the Federal or State Constitutions, county charter, or statute.<sup>5</sup>

##### Protection of Private Property Rights

The "Bert Harris Jr., Private Property Rights Protection Act" (Bert Harris Act) entitles private property owners to relief when a specific action of a governmental entity inordinately burdens the owner's existing use of real property or a vested right to a specific use of real property.<sup>6</sup> The Bert Harris Act recognizes that the inordinate burden, restriction, or limitation on private property rights as applied may fall short of a taking under the State Constitution or the U.S. Constitution when a new law, rule, or ordinance and distinct cause of action for relief or payment of compensation when a new law, rule, or ordinance of the state, or a political entity in the state, unfairly affects real property.<sup>7</sup> The Bert Harris Act applies to governmental entities, including the state and local governments, but does not apply to the U.S. government, federal agencies, or state or local government entities exercising formally delegated U.S. or federal agency powers.<sup>8</sup>

In addition to action that inordinately burdens a property right, an owner may seek relief when a government entity imposes a condition on the proposed use of the real property that amounts to a prohibited exaction.<sup>9</sup> A prohibited exaction occurs when an imposed condition lacks an essential nexus to a legitimate public purpose and is not roughly proportionate to the impacts of the proposed use that the governmental entity seeks to avoid, minimize, or mitigate.<sup>10</sup>

<sup>1</sup> Art. VIII, s. 1(f), Fla. Const.

<sup>2</sup> Art. VIII, s. 1(g), Fla. Const.

<sup>3</sup> Art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.

<sup>4</sup> S. 125.01, F.S.

<sup>5</sup> S. 166.021, F.S.

<sup>6</sup> S. 70.001(2), F.S.

<sup>7</sup> S. 70.001(1), F.S.

<sup>8</sup> S. 70.001(3)(c), F.S.

<sup>9</sup> S. 70.45(2), F.S.

<sup>10</sup> S. 70.45(1)(c), F.S.

The "Florida Land Use and Environmental Dispute Resolution Act" (Land Use Act) allows a land owner to request relief from a government entity's development order or enforcement action when the order or action is unreasonable or unfairly burdens the use of the owner's real property.<sup>11</sup> Parties in pending judicial proceedings may also use the dispute resolution process outlined in the Land Use Act if all parties agree and the court approves.<sup>12</sup>

#### The Community Planning Act

State growth policies are managed under the State Comprehensive Plan.<sup>13</sup> Local governments manage local growth through comprehensive plans enforced by local land use ordinances.<sup>14</sup> A key principle guiding both state planning and local comprehensive plans is the protection of private property rights.<sup>15</sup>

The State Comprehensive Plan provides long-range policy guidance for the orderly social, economic, and physical growth of the state in a manner consistent with the protection of private property rights.<sup>16</sup> Under "The Community Planning Act," local governments create and adopt comprehensive plans which are sensitive to private property rights, have no undue restriction, and leave property owners free from government action that would harm their property or constitute an inordinate burden on their property rights under the Bert Harris Act.<sup>17</sup>

#### *Local Comprehensive Plan Elements*

Local comprehensive plans are required to address a number of concepts including strategies for the orderly and balanced future land development of the area and procedures for monitoring and evaluating the plan's implementation.<sup>18</sup> Along with optional elements,<sup>19</sup> plans must include the following nine elements:

- Capital improvements;<sup>20</sup>
- Future land use plan;
- Intergovernmental coordination;
- Conservation;
- Transportation;
- Sanitary sewer, solid waste, drainage, potable water and aquifer recharge;
- Recreation and open space;
- Housing; and
- Coastal management (for coastal local governments).<sup>21</sup>

All local government land development regulations must be consistent with the local comprehensive plan.<sup>22</sup> Additionally, all public and private developments, including special district projects, must be

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<sup>11</sup> S. 70.51(3), F.S.

<sup>12</sup> S. 70.51(29), F.S.

<sup>13</sup> See ss. 186.002 and 187.101, F.S.

<sup>14</sup> S. 163.3167(1)(b), F.S.

<sup>15</sup> Ss. 163.3161(10) and 187.201(14)(a), F.S.

<sup>16</sup> S. 187.101(1) and (3), F.S. The plan's goals and policies must also be reasonably applied where they are economically and environmentally feasible and not contrary to the public interest.

<sup>17</sup> S. 163.3161(10), F.S.

<sup>18</sup> S. 163.3177(1), F.S.

<sup>19</sup> S. 163.3177(1)(a), F.S.

<sup>20</sup> S. 163.3177(3)(a), F.S. The capital improvements element must be reviewed by the local government on an annual basis.

<sup>21</sup> S. 163.3177(6)(a)-(g), F.S.

<sup>22</sup> S. 163.3194(1)(b), F.S.

consistent with the local comprehensive plan.<sup>23</sup> However, plans cannot require any special district to undertake a public facility project that would impair the district's bond covenants or agreements.<sup>24</sup>

### Vegetation Management

#### *Local Tree Pruning, Trimming, and Removal Regulations*

Currently, Florida has 67 counties and over 400 municipalities.<sup>25</sup> Local governments may have tree ordinances that specify the species that must be used in a given area depending on the land use, require a permit prior to trimming or removing trees, or protect certain trees because they are considered an important community resource.

For example, in Broward County the removal of any historical tree<sup>26</sup> without first obtaining approval from the Board of County Commissioners is prohibited, as is the removal of any tree without first obtaining a tree removal license from the Environmental Protection and Growth Management Department.<sup>27</sup> Furthermore, municipalities within Broward County may adopt and enforce their own tree preservation regulations in addition to Broward County's tree regulations.<sup>28</sup> County tree regulations may be suspended during emergency conditions caused by hurricanes or other natural disasters by the county administrator.<sup>29</sup>

Orange County requires a permit or authorization to remove a protected tree<sup>30</sup> unless an exemption or exception applies. The law does not restrict tree trimming or maintenance but encourages property owners to practice proper trimming habits that avoid the need for "severe" trimming of any tree.<sup>31</sup> Permits are not required for trees located on single-family residential lots equal to or less than two acres with an occupied residential dwelling.<sup>32</sup> Permitting requirements are waived during county-declared emergencies.<sup>33</sup>

#### *Mangrove Trimming and Preservation Act*

Florida has three native species of mangrove trees growing along its coastline, which can be harmed or killed if not trimmed properly.<sup>34</sup> The "1996 Mangrove Trimming and Preservation Act" (Act)<sup>35</sup> requires the Department of Environment Protection (DEP) to regulate the trimming and alteration of mangroves

<sup>23</sup> See ss. 163.3161(6) and 163.3194(1)(a), F.S.

<sup>24</sup> S. 189.081(1), F.S.

<sup>25</sup> See ch. 7, F.S.; *The Local Government Formation Manual 2018-2020*, Appendices B and E, available at <https://www.myfloridahouse.gov/Sections/Documents/LoadDoc.aspx?PublicationType=Committees&CommitteeId=3025&Session=2019&DocumentType=General Publications&FileName=2018-2020 Local Government Formation Manual Final.pdf> (last visited Mar. 8, 2019).

<sup>26</sup> Ch. 27, art. XIV, s. 404, Broward County Code of Ordinances, defines a "historical tree" as a particular tree or group of trees, which has historical value because of its unique relationship to the history of the region, state, nation or world as designated by the Board of County Commissioners.

<sup>27</sup> *Id.* at s. 405. Nuisance trees are exempt from the prohibitions in the tree preservation ordinances. *Id.* at 406. A "nuisance tree" is defined to be one of 10 identified trees including the Schinus terebinthifolius (Brazilian pepper tree/Florida holly). *Id.* at 404.

<sup>28</sup> *Id.* at s. 407. Municipalities may regulate exclusively within their jurisdictions upon certification by Broward County with some exceptions.

<sup>29</sup> *Id.* at 406.

<sup>30</sup> Protected trees are native trees in certain zones and include Red maple, Red buckeye, and Pignut hickory trees. See Ch. 15, Art. VIII, ss. 283 and 301(e), Orange County Code of Ordinances.

<sup>31</sup> Ch. 15, Art. VIII, s. 278, Orange County Code of Ordinances.

<sup>32</sup> Ch. 15, Art. VIII, s. 279(a), Orange County Code of Ordinances.

<sup>33</sup> Ch. 15, Art. VIII, s. 279(b), Orange County Code of Ordinances.

<sup>34</sup> See Florida Department of Environmental Protection, *Mangrove Trimming Guidelines for Homeowners*, "Introduction," 4, available at [https://floridadep.gov/sites/default/files/Mangrove-Homeowner-Guide-sm\\_0.pdf](https://floridadep.gov/sites/default/files/Mangrove-Homeowner-Guide-sm_0.pdf) (last visited Apr. 18, 2019).

<sup>35</sup> Ch. 95-299, s. 1, Laws of Fla. See also ss. 403.9321-403.9333, F.S.

statewide, except where DEP has delegated its authority to local governments that meet certain requirements and request such delegation.<sup>36</sup> The Act prohibits mangrove trimming or alteration without a permit issued by DEP or a delegated local government,<sup>37</sup> unless the trimming or alteration falls within certain exceptions.<sup>38</sup>

#### *Electric Transmission and Distribution Line Right-of-Way Maintenance*

Tree contact with transmission lines is a leading cause of electric power outages and a common cause of blackouts.<sup>39</sup> Vegetation maintenance plans are important to electric utility providers in order to avoid tree-related outages and are regulated at the local, state, and federal level. The Federal Energy and Regulatory Commission (FERC) requires utilities to follow approved reliability standards for proper vegetation management around power lines.<sup>40</sup> Florida requires electric utility vegetation maintenance plans to follow ANSI A300 Part 1,<sup>41</sup> which provides generally accepted pruning standards for tree, shrub, and other woody plant maintenance and ANSI Z133.1-2000,<sup>42</sup> which provides comprehensive safety guidance for arborists for vegetation maintenance within an electric utility right-of-way.<sup>43</sup> Florida also requires maintenance activities to be supervised by qualified utility personnel, licensed contractors under the utility's control, or certified arborists.<sup>44</sup>

Absent a local vegetation maintenance plan, local governments are authorized to request a meeting with a utility provider to discuss the utility's vegetation maintenance plan, including the utility's trimming specifications and maintenance practices. However, local governments are restricted in adopting any ordinances or regulations that regulate plant height and width requirements and may not require permits or approvals for vegetation maintenance, tree pruning, or trimming within the right-of-way.<sup>45</sup>

State law requires a utility to give five business days' advance notice to a local government official prior to conducting vegetation maintenance activities within a right-of-way. No advance notice is required for service restoration, to avoid an imminent vegetation caused outage, or when performed at the request of the property owner adjacent to the right-of-way, provided the owner already has any required approval from the local government.<sup>46</sup>

<sup>36</sup> See s. 403.9324, F.S. Currently, authority has been delegated to the local governments of Broward, Hillsborough, Miami-Dade, and Pinellas Counties; the City of Sanibel; and the Town of Jupiter Island. See Florida Department of Environmental Protection, Mangrove Trimming - Delegated Local Governments, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mangrove-trimming-delegated-local> (last visited Apr. 18, 2019).

<sup>37</sup> S. 403.9324(6), F.S.

<sup>38</sup> See s. 403.9328, F.S.

<sup>39</sup> Federal Energy Regulatory Commission (FERC), *Tree Trimming & Vegetation Management*, <https://www.ferc.gov/industries/electric/indus-act/reliability/vegetation-ngt.asp> (last visited Mar. 11, 2019).

<sup>40</sup> FERC, *Frequently Asked Questions*, <https://www.ferc.gov/resources/faqs/tree-veget.asp?csrf=3277879312755443250> (last visited Mar. 11, 2019).

<sup>41</sup> Tree Care Industry Association, *ANSI A300 Standards*, [https://www.tcia.org/TCIA/BUSINESS/ANSI\\_A300\\_Standards\\_TCIA/BUSINESS/A300\\_Standards.aspx?hkey=202f566-4364-4686-b7c1-2a355a596669](https://www.tcia.org/TCIA/BUSINESS/ANSI_A300_Standards_TCIA/BUSINESS/A300_Standards.aspx?hkey=202f566-4364-4686-b7c1-2a355a596669) (last visited Mar. 11, 2019).

<sup>42</sup> Tree Care Industry Association, *ANSI Z133 2017*,

[https://tcia.org/TCIA/News/Business/ANSI\\_Z133\\_2017\\_Revision\\_Overview.aspx](https://tcia.org/TCIA/News/Business/ANSI_Z133_2017_Revision_Overview.aspx) (last visited Mar. 11, 2019).

<sup>43</sup> "Right-of-way" means land necessary for the construction and maintenance of a connected associated linear facility, such as a railroad line, pipeline, or transmission line as owned by or proposed to be certified by the applicant. S. 403.503(1), F.S.

<sup>44</sup> "Transmission line right-of-way" means land necessary for the construction, operation, and maintenance of a transmission line. S. 403.522(23), F.S.

<sup>45</sup> S. 163.3209, F.S.

<sup>46</sup> S. 163.3209, F.S. "Vegetation maintenance and tree pruning or trimming" as the "mowing of vegetation within the right-of-way, and selective removal of tree branches that extend within the right-of-way."

<sup>46</sup> S. 163.3209, F.S.



Local governments may develop and adopt a vegetation maintenance plan to govern vegetation maintenance in an electric utility right-of-way. The plan must be developed with input from the electric utility and must not be inconsistent with minimum requirements adopted by the Public Service Commission. The plan cannot require the utility to plant trees or other vegetation that will achieve a height greater than 14 feet in the right-of-way.<sup>47</sup> If a local government adopts a plan, the state requirements do not apply to the right-of-way.

State law does not supersede or nullify the terms of any specific franchise agreements between an electric utility and a local government and must not be construed to limit a local government's franchising authority. In addition, local government ordinances or regulations governing planting, pruning, trimming, or removal of specimen trees or historical trees, as defined in a local government's ordinances or regulations, or trees within designated canopied protection areas, control over the statute.<sup>48</sup>

#### **Effect of Proposed Changes**

The bill prohibits local governments from requiring a permit, application, notice, fee, approval, or mitigation for the pruning, trimming, or removal of a tree on residential property that has been certified to present a danger to persons or property. The certification must be provided by an arborist certified by the International Society of Arboriculture or a licensed landscape architect. The bill prohibits a local government from requiring a property owner to replant a tree that was maintained according to these provisions. The bill does not apply to authority delegated to local governments under the Mangrove Trimming and Preservation Act.

The bill removes the requirement that a property owner receive approval by the local government before requesting an electric utility to maintain vegetation in the adjacent utility right-of-way.

Finally, the bill requires county property appraisers to post a Property Owner Bill of Rights on the appraiser's website in the form provided. The required form is not comprehensive and must state on the website that it does not represent all property rights under Florida law. The form must list the following seven property rights:

- The right to acquire, possess, and protect your property.
- The right to use and enjoy your property.
- The right to exclude others from your property.
- The right to dispose of your property.
- The right to due process.
- The right to just compensation for property taken for a public purpose.
- The right to relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity unfairly affects your property.

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<sup>47</sup> S. 163.3209, F.S. The Florida House of Representatives Select Committee on Hurricane Response and Preparedness recommended repealing the statutory exception to statewide standards for vegetation management within power line rights-of-way for local governments that adopt plans that differ from the statutory standards. Select Committee on Hurricane Response and Preparedness, The Florida House of Representatives, *Select Committee on Hurricane Response and Preparedness Final Report* at 45 (January 16, 2018), <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2978&Session=2018&DocumentType=General Publications&FileName=SCHRP - Final Report online.pdf> (last visited Mar. 11, 2019).

<sup>48</sup> *Id.*

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Indeterminate. There may be a negative fiscal impact associated with prohibiting a local government from requiring a fee, permit, or fine for the maintenance or removal of trees in certain circumstances. In addition, there may be a negative fiscal impact on local governments to update county property appraiser websites with the required Property Owner Bill of Rights form language.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There may be a positive fiscal impact on residential property owners who are not required to obtain permits for tree maintenance in specified circumstances or replace removed trees.

### D. FISCAL COMMENTS:

None.

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1  
2 An act relating to private property rights; creating  
3 s. 163.045, F.S.; prohibiting local governments from  
4 requiring notices, applications, approvals, permits,  
5 fees, or mitigation for the pruning, trimming, or  
6 removal of trees on residential property if a property  
7 owner obtains specified documentation; prohibiting  
8 local governments from requiring property owners to  
9 replant such trees; providing an exception for  
10 mangrove protection actions; amending s. 163.3209,  
11 F.S.; deleting a provision that authorizes electric  
12 utilities to perform certain right-of-way tree  
13 maintenance only if a property owner has received  
14 local government approval; creating s. 70.002, F.S.;

15 creating a Property Owner Bill of Rights; requiring  
16 county property appraisers to provide specified  
17 information on their websites; providing an effective  
18 date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Section 163.045, Florida Statutes, is created  
23 to read:

24 163.045 Tree pruning, trimming, or removal on residential  
25 property.

ENROLLED

CS/HB 1159

2019 Legislature

26 (1) A local government may not require a notice,  
27 application, approval, permit, fee, or mitigation for the  
28 pruning, trimming, or removal of a tree on residential property  
29 if the property owner obtains documentation from an arborist  
30 certified by the International Society of Arboriculture or a  
31 Florida licensed landscape architect that the tree presents a  
32 danger to persons or property.

33 (2) A local government may not require a property owner to  
34 replant a tree that was pruned, trimmed, or removed in  
35 accordance with this section.

36 (3) This section does not apply to the exercise of  
37 specifically delegated authority for mangrove protection  
38 pursuant to ss. 403.9321-403.9333.

39 Section 2. Section 163.3209, Florida Statutes, is amended  
40 to read:

41 163.3209 Electric transmission and distribution line  
42 right-of-way maintenance.—After a right-of-way for any electric  
43 transmission or distribution line has been established and  
44 constructed, no local government shall require or apply any  
45 permits or other approvals or code provisions for or related to  
46 vegetation maintenance and tree pruning or trimming within the  
47 established right-of-way. The term "vegetation maintenance and  
48 tree pruning or trimming" means the mowing of vegetation within  
49 the right-of-way, removal of trees or brush within the right-of-  
50 way, and selective removal of tree branches that extend within

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51 the right-of-way. The provisions of this section do not include  
 52 the removal of trees outside the right-of-way, which may be  
 53 allowed in compliance with applicable local ordinances. Prior to  
 54 conducting scheduled routine vegetation maintenance and tree  
 55 pruning or trimming activities within an established right-of-  
 56 way, the utility shall provide the official designated by the  
 57 local government with a minimum of 5 business days' advance  
 58 notice. Such advance notice is not required for vegetation  
 59 maintenance and tree pruning or trimming required to restore  
 60 electric service or to avoid an imminent vegetation-caused  
 61 outage or when performed at the request of the property owner  
 62 adjacent to the right-of-way, ~~provided that the owner has~~  
 63 ~~approval of the local government, if needed.~~ Upon the request of  
 64 the local government, the electric utility shall meet with the  
 65 local government to discuss and submit the utility's vegetation  
 66 maintenance plan, including the utility's trimming  
 67 specifications and maintenance practices. Vegetation maintenance  
 68 and tree pruning or trimming conducted by utilities shall  
 69 conform to ANSI A300 (Part I)-2001 pruning standards and ANSI  
 70 Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees,  
 71 and Cutting Brush-Safety Requirements. Vegetation maintenance  
 72 and tree pruning or trimming conducted by utilities must be  
 73 supervised by qualified electric utility personnel or licensed  
 74 contractors trained to conduct vegetation maintenance and tree  
 75 trimming or pruning consistent with this section or by Certified

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76 Arborists certified by the Certification Program of the  
 77 International Society of Arboriculture. A local government shall  
 78 not adopt an ordinance or land development regulation that  
 79 requires the planting of a tree or other vegetation that will  
 80 achieve a height greater than 14 feet in an established electric  
 81 utility right-of-way or intrude from the side closer than the  
 82 clearance distance specified in Table 2 of ANSI Z133.1-2000 for  
 83 lines affected by the North American Electric Reliability  
 84 Council Standard, FAC 003.1 requirement R1.2. This section does  
 85 not supersede or nullify the terms of specific franchise  
 86 agreements between an electric utility and a local government  
 87 and shall not be construed to limit a local government's  
 88 franchising authority. This section does not supersede local  
 89 government ordinances or regulations governing planting,  
 90 pruning, trimming, or removal of specimen trees or historical  
 91 trees, as defined in a local government's ordinances or  
 92 regulations, or trees within designated canopied protection  
 93 areas. This section shall not apply if a local government  
 94 develops, with input from the utility, and the local government  
 95 adopts, a written plan specifically for vegetation maintenance,  
 96 tree pruning, tree removal, and tree trimming by the utility  
 97 within the local government's established rights-of-way and the  
 98 plan is not inconsistent with the minimum requirements of the  
 99 National Electrical Safety Code as adopted by the Public Service  
 100 Commission; provided, however, such a plan shall not require the

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101 planting of a tree or other vegetation that will achieve a  
102 height greater than 14 feet in an established electric right-of-  
103 way. Vegetation maintenance costs shall be considered  
104 recoverable costs.

105 Section 3. Section 70.002, Florida Statutes, is created to  
106 read:

107 70.002 Property Owner Bill of Rights.-Each county property  
108 appraiser office shall provide on its website a Property Owner  
109 Bill of Rights. The purpose of the bill of rights is to identify  
110 certain existing rights afforded to property owners but is not a  
111 comprehensive guide. The Property Owner Bill of Rights does not  
112 create a civil cause of action. The Property Owner Bill of  
113 Rights must state:

114  
115 PROPERTY OWNER

116 BILL OF RIGHTS

117 This Bill of Rights does not represent all of your rights under  
118 Florida law regarding your property and should not be viewed as  
119 a comprehensive guide to property rights. This document does not  
120 create a civil cause of action and neither expands nor limits  
121 any rights or remedies provided under any other law. This  
122 document does not replace the need to seek legal advice in  
123 matters relating to property law. Laws relating to your rights  
124 are found in the State Constitution, Florida Statutes, local  
125 ordinances, and court decisions. Your rights and protections

126 include:

127 1. The right to acquire, possess, and protect your  
128 property.

129 2. The right to use and enjoy your property.

130 3. The right to exclude others from your property.

131 4. The right to dispose of your property.

132 5. The right to due process.

133 6. The right to just compensation for property taken for a  
134 public purpose.

135 7. The right to relief, or payment of compensation, when a  
136 new law, rule, regulation, or ordinance of the state or a  
137 political entity unfairly affects your property.

138 Section 4. This act shall take effect July 1, 2019.



**Sec. 111.760. - Tree Protection and Related Expenses Trust Fund.**

There is created within the General Trust and Agency Fund a trust fund account to be known as the Tree Protection and Related Expenses Trust Fund, hereinafter referred to as the Fund, into which shall be deposited all contributions and fines collected or imposed, together with any donation, gift, grant, or other sum of money as may from time to time be appropriated by Council, and all monies recovered by the City as civil fines pursuant to Section 656.1208; provided, however, that monies collected as administrative costs or attorneys' fees or costs of litigation shall be paid directly to the City. The funds deposited in this trust fund, together with any interest accrued thereon, shall be expended for providing trees and ~~landscaping~~ landscaping, and maintaining trees, within City rights-of-way and on other lands owned by the City, its agencies or authorities, or upon which other ownership control may be exerted by the City, its agencies or authorities, including parks, public areas and easements, and also along all other public rights-of-way and on all other public lands in Duval County.

The funds deposited in this trust fund may also be used to pay the salary and benefits of one City Arborist position. The City Arborist position authorized herein shall be exclusively focused on the planting of trees and other activities directly supporting planting projects in the City which utilize monies from this trust fund.

The Director of Finance and Administration is authorized and directed to make disbursements from this fund, after Council appropriation, upon written requisition for such purposes signed jointly by the Director of Public Works and the Director of Parks, Recreation and Community Services. Monies deposited in this trust fund shall not lapse at the close of any fiscal year, but shall carry over to the next fiscal year.

In no case whatsoever shall these trust funds be considered as the sole source of revenue for funds necessary to meet the normal landscaping needs of the City's recreation, park or conservation lands, or public right-of-way. The total amount appropriated from these trust funds for tree maintenance in any fiscal year shall not exceed an amount equal to 25 percent of the amount budgeted in that fiscal year for tree maintenance activities in the Public Works Department. Any appropriation of trust funds for tree maintenance shall be used to supplement, not replace, monies otherwise appropriated for tree maintenance by the Public Works Department, and shall be used to undertake activities intended to extend the life of existing trees.

The Fund shall not be used for the purchase of *Phoenix dactylifera* (True Date Palm), unless: (1) it is for the replacement of a *Phoenix dactylifera* that meets both of the following conditions: (a) The palm has been damaged due to a man-made incident or lightning. Decline due to fungus, disease, or related failure due to incompatible soil conditions or habitat, shall not be a reason for replacement; (b) The palm is part of a streetscape scheme that would become visually imbalanced if not replaced with the same genus and species of palm; or (2) The palms are planted in the area delineated as described as follows: Beginning at the confluence of the St. Johns River and the Atlantic Ocean, follow the southern edge of the St. Johns River westward, then south southwest, to the eastern edge of Helen Cooper Floyd Park; then southeast to the western boundary of the State Road A1A right-of-way; then southeast along the western boundary of State Road A1A right-of-way to the western boundary of the Mayport Road

right-of-way; then generally south along the western boundary of the Mayport Road right-of-way to and across Atlantic Boulevard; then continuing south along the western boundary of the Florida Boulevard right-of-way to the western boundary of the Penman Road right-of-way; then south along the western boundary of the Penman Road right-of-way, to and across Beach Boulevard; then east along the southern boundary of the Beach Boulevard right-of-way to the western boundary of the 3<sup>rd</sup> Street right-of-way; then south along the western boundary of the 3<sup>rd</sup> Street right-of-way to the Duval County line; then east to the Atlantic Ocean; then north along the mean high water line to the point of beginning, as depicted on the map attached to Ordinance 2018-524-E.

(Ord. 89-1185-673, § 12; Ord. 92-1933-1383, § 1; Ord. 98-542, § 1.3(k); Ord. 2000-707-E, § 10; Ord. 2004-1003-E, § 1; Ord. 2004-1146-E, § 1; Ord. 2005-1283-E, § 7; Ord. 2006-422-E, § 52; Ord. 2010-557-E, § 11.8; Ord. 2011-732-E; Ord. [2016-140-E](#), § 16; Ord. [2016-487-E](#), § 7; Ord. [2017-398-E](#), § 1; Ord. [2018-524-E](#), § 1; Ord. [2019-328-E](#))

**Editor's note**— Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

**Note**— Former § 110.350.

(Revised with ~~strikeout~~ of "incidental landscaping" pursuant to ordinance 2019-328-E)

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CS/HB 1159

2019 Legislature

1  
 2 An act relating to private property rights; creating  
 3 s. 163.045, F.S.; prohibiting local governments from  
 4 requiring notices, applications, approvals, permits,  
 5 fees, or mitigation for the pruning, trimming, or  
 6 removal of trees on residential property if a property  
 7 owner obtains specified documentation; prohibiting  
 8 local governments from requiring property owners to  
 9 replant such trees; providing an exception for  
 10 mangrove protection actions; amending s. 163.3209,  
 11 F.S.; deleting a provision that authorizes electric  
 12 utilities to perform certain right-of-way tree  
 13 maintenance only if a property owner has received  
 14 local government approval; creating s. 70.002, F.S.;  
 15 creating a Property Owner Bill of Rights; requiring  
 16 county property appraisers to provide specified  
 17 information on their websites; providing an effective  
 18 date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

21  
 22 Section 1. Section 163.045, Florida Statutes, is created  
 23 to read:

24 163.045 Tree pruning, trimming, or removal on residential  
 25 property.—

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CS/HB 1159

2019 Legislature

26           (1) A local government may not require a notice,  
 27 application, approval, permit, fee, or mitigation for the  
 28 pruning, trimming, or removal of a tree on residential property  
 29 if the property owner obtains documentation from an arborist  
 30 certified by the International Society of Arboriculture or a  
 31 Florida licensed landscape architect that the tree presents a  
 32 danger to persons or property.

33           (2) A local government may not require a property owner to  
 34 replant a tree that was pruned, trimmed, or removed in  
 35 accordance with this section.

36           (3) This section does not apply to the exercise of  
 37 specifically delegated authority for mangrove protection  
 38 pursuant to ss. 403.9321-403.9333.

39           Section 2. Section 163.3209, Florida Statutes, is amended  
 40 to read:

41           163.3209 Electric transmission and distribution line  
 42 right-of-way maintenance.—After a right-of-way for any electric  
 43 transmission or distribution line has been established and  
 44 constructed, no local government shall require or apply any  
 45 permits or other approvals or code provisions for or related to  
 46 vegetation maintenance and tree pruning or trimming within the  
 47 established right-of-way. The term "vegetation maintenance and  
 48 tree pruning or trimming" means the mowing of vegetation within  
 49 the right-of-way, removal of trees or brush within the right-of-  
 50 way, and selective removal of tree branches that extend within

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51 | the right-of-way. The provisions of this section do not include  
52 | the removal of trees outside the right-of-way, which may be  
53 | allowed in compliance with applicable local ordinances. Prior to  
54 | conducting scheduled routine vegetation maintenance and tree  
55 | pruning or trimming activities within an established right-of-  
56 | way, the utility shall provide the official designated by the  
57 | local government with a minimum of 5 business days' advance  
58 | notice. Such advance notice is not required for vegetation  
59 | maintenance and tree pruning or trimming required to restore  
60 | electric service or to avoid an imminent vegetation-caused  
61 | outage or when performed at the request of the property owner  
62 | adjacent to the right-of-way, ~~provided that the owner has~~  
63 | ~~approval of the local government, if needed.~~ Upon the request of  
64 | the local government, the electric utility shall meet with the  
65 | local government to discuss and submit the utility's vegetation  
66 | maintenance plan, including the utility's trimming  
67 | specifications and maintenance practices. Vegetation maintenance  
68 | and tree pruning or trimming conducted by utilities shall  
69 | conform to ANSI A300 (Part I)-2001 pruning standards and ANSI  
70 | Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees,  
71 | and Cutting Brush-Safety Requirements. Vegetation maintenance  
72 | and tree pruning or trimming conducted by utilities must be  
73 | supervised by qualified electric utility personnel or licensed  
74 | contractors trained to conduct vegetation maintenance and tree  
75 | trimming or pruning consistent with this section or by Certified

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76 | Arborists certified by the Certification Program of the  
77 | International Society of Arboriculture. A local government shall  
78 | not adopt an ordinance or land development regulation that  
79 | requires the planting of a tree or other vegetation that will  
80 | achieve a height greater than 14 feet in an established electric  
81 | utility right-of-way or intrude from the side closer than the  
82 | clearance distance specified in Table 2 of ANSI Z133.1-2000 for  
83 | lines affected by the North American Electric Reliability  
84 | Council Standard, FAC 003.1 requirement R1.2. This section does  
85 | not supersede or nullify the terms of specific franchise  
86 | agreements between an electric utility and a local government  
87 | and shall not be construed to limit a local government's  
88 | franchising authority. This section does not supersede local  
89 | government ordinances or regulations governing planting,  
90 | pruning, trimming, or removal of specimen trees or historical  
91 | trees, as defined in a local government's ordinances or  
92 | regulations, or trees within designated canopied protection  
93 | areas. This section shall not apply if a local government  
94 | develops, with input from the utility, and the local government  
95 | adopts, a written plan specifically for vegetation maintenance,  
96 | tree pruning, tree removal, and tree trimming by the utility  
97 | within the local government's established rights-of-way and the  
98 | plan is not inconsistent with the minimum requirements of the  
99 | National Electrical Safety Code as adopted by the Public Service  
100 | Commission; provided, however, such a plan shall not require the

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101 planting of a tree or other vegetation that will achieve a  
 102 height greater than 14 feet in an established electric right-of-  
 103 way. Vegetation maintenance costs shall be considered  
 104 recoverable costs.

105 Section 3. Section 70.002, Florida Statutes, is created to  
 106 read:

107 70.002 Property Owner Bill of Rights.-Each county property  
 108 appraiser office shall provide on its website a Property Owner  
 109 Bill of Rights. The purpose of the bill of rights is to identify  
 110 certain existing rights afforded to property owners but is not a  
 111 comprehensive guide. The Property Owner Bill of Rights does not  
 112 create a civil cause of action. The Property Owner Bill of  
 113 Rights must state:

114  
 115 PROPERTY OWNER

116 BILL OF RIGHTS

117 This Bill of Rights does not represent all of your rights under  
 118 Florida law regarding your property and should not be viewed as  
 119 a comprehensive guide to property rights. This document does not  
 120 create a civil cause of action and neither expands nor limits  
 121 any rights or remedies provided under any other law. This  
 122 document does not replace the need to seek legal advice in  
 123 matters relating to property law. Laws relating to your rights  
 124 are found in the State Constitution, Florida Statutes, local  
 125 ordinances, and court decisions. Your rights and protections

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- 126 | include:
- 127 |       1. The right to acquire, possess, and protect your
- 128 | property.
- 129 |       2. The right to use and enjoy your property.
- 130 |       3. The right to exclude others from your property.
- 131 |       4. The right to dispose of your property.
- 132 |       5. The right to due process.
- 133 |       6. The right to just compensation for property taken for a
- 134 | public purpose.
- 135 |       7. The right to relief, or payment of compensation, when a
- 136 | new law, rule, regulation, or ordinance of the state or a
- 137 | political entity unfairly affects your property.
- 138 |       Section 4. This act shall take effect July 1, 2019.



**Sec. 111.760. - Tree Protection and Related Expenses Trust Fund.**

There is created within the General Trust and Agency Fund a trust fund account to be known as the Tree Protection and Related Expenses Trust Fund, hereinafter referred to as the Fund, into which shall be deposited all contributions and fines collected or imposed, together with any donation, gift, grant, or other sum of money as may from time to time be appropriated by Council, and all monies recovered by the City as civil fines pursuant to Section 656.1208; provided, however, that monies collected as administrative costs or attorneys' fees or costs of litigation shall be paid directly to the City. The funds deposited in this trust fund, together with any interest accrued thereon, shall be expended for providing trees and incidental landscaping, and maintaining trees, within City rights-of-way and on other lands owned by the City, its agencies or authorities, or upon which other ownership control may be exerted by the City, its agencies or authorities, including parks, public areas and easements, and also along all other public rights-of-way and on all other public lands in Duval County.

The funds deposited in this trust fund may also be used to pay the salary and benefits of one City Arborist position. The City Arborist position authorized herein shall be exclusively focused on the planting of trees and other activities directly supporting planting projects in the City which utilize monies from this trust fund.

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right-of-way to and across Atlantic Boulevard; then continuing south along the western boundary of the Florida Boulevard right-of-way to the western boundary of the Penman Road right-of-way; then south along the western boundary of the Penman Road right-of-way, to and across Beach Boulevard; then east along the southern boundary of the Beach Boulevard right-of-way to the western boundary of the 3<sup>rd</sup> Street right-of-way; then south along the western boundary of the 3<sup>rd</sup> Street right-of-way to the Duval County line; then east to the Atlantic Ocean; then north along the mean high water line to the point of beginning, as depicted on the map attached to Ordinance 2018-524-E.

(Ord. 89-1185-673, § 12; Ord. 92-1933-1383, § 1; Ord. 98-542, § 1.3(k); Ord. 2000-707-E, § 10; Ord. 2004-1003-E, § 1; Ord. 2004-1146-E, § 1; Ord. 2005-1283-E, § 7; Ord. 2006-422-E, § 52; Ord. 2010-557-E, § 11.8; Ord. 2011-732-E; Ord. [2016-140-E](#), § 16; Ord. [2016-487-E](#), § 7; Ord. [2017-398-E](#), § 1; Ord. [2018-524-E](#), § 1; Ord. [2019-328-E](#))

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(Revised with strikeout of “incidental landscaping” pursuant to ordinance 2019-328-E)  
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**HOUSE OF REPRESENTATIVES STAFF ANALYSIS  
FINAL BILL ANALYSIS**

**BILL #:** CS/HB 1159 Private Property Rights  
**SPONSOR(S):** State Affairs Committee; La Rosa and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/CS/SB 1400

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	12 Y, 3 N	Rivera	Miller
2) Commerce Committee	19 Y, 4 N	Smith	Hamon
3) State Affairs Committee	19 Y, 4 N, As CS	Rivera	Williamson

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**FINAL HOUSE FLOOR ACTION:** 77 **Y's** 36 **N's**      **GOVERNOR'S ACTION:** Approved

**SUMMARY ANALYSIS**

CS/HB 1159 passed the House on April 25, 2019, and subsequently passed the Senate on April 26, 2019.

Counties and municipalities develop and implement land use comprehensive plans and ordinances to manage growth within their jurisdictions. Comprehensive plans must be sensitive to private property rights and not inordinately burden property owners. The “Bert Harris, Jr., Private Property Rights Protection Act” entitles property owners to relief when government action inordinately burdens their existing use of real property or any vested right to a specific use of real property.

Local government vegetation and tree maintenance regulations vary but can require property owners to obtain permits before pruning, trimming, or removing any tree. Property owners with native mangrove trees on their property are subject to additional state or, in certain instances, local regulation. Electric utilities are also subject to federal requirements when maintaining vegetation in utility rights-of-way.

The bill prohibits local governments from requiring a permit, application, notice, fee, approval, or mitigation for the pruning, trimming, or removal of a dangerous tree on residential property upon documentation by a certified arborist or licensed landscape architect, and prohibits local governments from requiring a property owner to replant a tree that is maintained under the specified conditions. The bill does not affect authority delegated under the state’s mangrove protection laws. The bill also allows a property owner adjacent to an electric utility right-of-way to request an electric utility perform vegetation maintenance in the right-of-way without approval from the local government.

The bill requires county property appraisers to post a Property Owner Bill of Rights on their websites, which lists a property owner’s right to acquire, possess, and protect property; use and enjoy property; exclude others from property; dispose of property; due process; just compensation for property taken for a public purpose; and relief when a new state or local government law, rule, regulation, or ordinance unfairly affects property. The website must state the Bill of Rights is not comprehensive and does not represent all property rights under Florida law.

The bill may have a negative, insignificant fiscal impact to local governments.

The bill was approved by the Governor on June 26, 2019, ch. 2019-155, L.O.F., and will become effective on July 1, 2019.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Present Situation**

##### Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>1</sup> Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.<sup>2</sup> Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide services, and exercise any power for municipal purposes except when expressly prohibited by law.<sup>3</sup>

County governments have authority to prepare and enforce comprehensive plans for the development of the county and provide fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.<sup>4</sup> Municipalities are afforded broad home rule powers with the exception of annexation, merger, exercise of extraterritorial power, or subjects prohibited or preempted by the Federal or State Constitutions, county charter, or statute.<sup>5</sup>

##### Protection of Private Property Rights

The “Bert Harris Jr., Private Property Rights Protection Act” (Bert Harris Act) entitles private property owners to relief when a specific action of a governmental entity inordinately burdens the owner’s existing use of real property or a vested right to a specific use of real property.<sup>6</sup> The Bert Harris Act recognizes that the inordinate burden, restriction, or limitation on private property rights as applied may fall short of a taking under the State Constitution or the U.S. Constitution and establishes a separate and distinct cause of action for relief or payment of compensation when a new law, rule, or ordinance of the state, or a political entity in the state, unfairly affects real property.<sup>7</sup> The Bert Harris Act applies to governmental entities, including the state and local governments, but does not apply to the U.S. government, federal agencies, or state or local government entities exercising formally delegated U.S. or federal agency powers.<sup>8</sup>

In addition to action that inordinately burdens a property right, an owner may seek relief when a government entity imposes a condition on the proposed use of the real property that amounts to a prohibited exaction.<sup>9</sup> A prohibited exaction occurs when an imposed condition lacks an essential nexus to a legitimate public purpose and is not roughly proportionate to the impacts of the proposed use that the governmental entity seeks to avoid, minimize, or mitigate.<sup>10</sup>

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<sup>1</sup> Art. VIII, s. 1(f), Fla. Const.

<sup>2</sup> Art. VIII, s. 1(g), Fla. Const.

<sup>3</sup> Art VIII, s. 2(b). *See also* s. 166.021(1), F.S.

<sup>4</sup> S. 125.01, F.S.

<sup>5</sup> S. 166.021, F.S.

<sup>6</sup> S. 70.001(2), F.S.

<sup>7</sup> S. 70.001(1), F.S.

<sup>8</sup> S. 70.001(3)(c), F.S.

<sup>9</sup> S. 70.45(2), F.S.

<sup>10</sup> S. 70.45(1)(c), F.S.

The “Florida Land Use and Environmental Dispute Resolution Act” (Land Use Act) allows a land owner to request relief from a government entity’s development order or enforcement action when the order or action is unreasonable or unfairly burdens the use of the owner’s real property.<sup>11</sup> Parties in pending judicial proceedings may also use the dispute resolution process outlined in the Land Use Act if all parties agree and the court approves.<sup>12</sup>

### The Community Planning Act

State growth policies are managed under the State Comprehensive Plan.<sup>13</sup> Local governments manage local growth through comprehensive plans enforced by local land use ordinances.<sup>14</sup> A key principle guiding both state planning and local comprehensive plans is the protection of private property rights.<sup>15</sup>

The State Comprehensive Plan provides long-range policy guidance for the orderly social, economic, and physical growth of the state in a manner consistent with the protection of private property rights.<sup>16</sup> Under “The Community Planning Act,” local governments create and adopt comprehensive plans which are sensitive to private property rights, have no undue restriction, and leave property owners free from government action that would harm their property or constitute an inordinate burden on their property rights under the Bert Harris Act.<sup>17</sup>

#### *Local Comprehensive Plan Elements*

Local comprehensive plans are required to address a number of concepts including strategies for the orderly and balanced future land development of the area and procedures for monitoring and evaluating the plan’s implementation.<sup>18</sup> Along with optional elements,<sup>19</sup> plans must include the following nine elements:

- Capital improvements;<sup>20</sup>
- Future land use plan;
- Intergovernmental coordination;
- Conservation;
- Transportation;
- Sanitary sewer, solid waste, drainage, potable water and aquifer recharge;
- Recreation and open space;
- Housing; and
- Coastal management (for coastal local governments).<sup>21</sup>

All local government land development regulations must be consistent with the local comprehensive plan.<sup>22</sup> Additionally, all public and private development, including special district projects, must be

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<sup>11</sup> S. 70.51(3), F.S.

<sup>12</sup> S. 70.51(29), F.S.

<sup>13</sup> See ss. 186.002 and 187.101, F.S.

<sup>14</sup> S. 163.3167(1)(b), F.S.

<sup>15</sup> Ss. 163.3161(10) and 187.201(14)(a), F.S.

<sup>16</sup> S. 187.101(1) and (3), F.S. The plan’s goals and policies must also be reasonably applied where they are economically and environmentally feasible and not contrary to the public interest.

<sup>17</sup> S. 163.3161(10), F.S.

<sup>18</sup> S. 163.3177(1), F.S.

<sup>19</sup> S. 163.3177(1)(a), F.S.

<sup>20</sup> S. 163.3177(3)(a), F.S. The capital improvements element must be reviewed by the local government on an annual basis.

<sup>21</sup> S. 163.3177(6)(a)-(g), F.S.

<sup>22</sup> S. 163.3194(1)(b), F.S.

consistent with the local comprehensive plan.<sup>23</sup> However, plans cannot require any special district to undertake a public facility project that would impair the district's bond covenants or agreements.<sup>24</sup>

## Vegetation Management

### *Local Tree Pruning, Trimming, and Removal Regulations*

Currently, Florida has 67 counties and over 400 municipalities.<sup>25</sup> Local governments may have tree ordinances that specify the species that must be used in a given area depending on the land use, require a permit prior to trimming or removing trees, or protect certain trees because they are considered an important community resource.

For example, in Broward County the removal of any historical tree<sup>26</sup> without first obtaining approval from the Board of County Commissioners is prohibited, as is the removal of any tree without first obtaining a tree removal license from the Environmental Protection and Growth Management Department.<sup>27</sup> Furthermore, municipalities within Broward County may adopt and enforce their own tree preservation regulations in addition to Broward County's tree regulations.<sup>28</sup> County tree regulations may be suspended during emergency conditions caused by hurricanes or other natural disasters by the county administrator.<sup>29</sup>

Orange County requires a permit or authorization to remove a protected tree<sup>30</sup> unless an exemption or exception applies. The law does not restrict tree trimming or maintenance but encourages property owners to practice proper trimming habits that avoid the need for "severe" trimming of any tree.<sup>31</sup> Permits are not required for trees located on single-family residential lots equal to or less than two acres with an occupied residential dwelling.<sup>32</sup> Permitting requirements are waived during county-declared emergencies.<sup>33</sup>

### *Mangrove Trimming and Preservation Act*

Florida has three native species of mangrove trees growing along its coastline, which can be harmed or killed if not trimmed properly.<sup>34</sup> The "1996 Mangrove Trimming and Preservation Act" (Act)<sup>35</sup> requires the Department of Environment Protection (DEP) to regulate the trimming and alteration of mangroves

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<sup>23</sup> See ss. 163.3161(6) and 163.3194(1)(a), F.S.

<sup>24</sup> S. 189.081(1), F.S.

<sup>25</sup> See ch. 7, F.S.; *The Local Government Formation Manual 2018-2020*, Appendices B and E, available at <https://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=3025&Session=2019&DocumentType=General Publications&FileName=2018-2020 Local Government Formation Manual Final.pdf> (last visited Mar. 8, 2019).

<sup>26</sup> Ch. 27, art. XIV, s. 404, Broward County Code of Ordinances, defines a "historical tree" as a particular tree or group of trees, which has historical value because of its unique relationship to the history of the region, state, nation or world as designated by the Board of County Commissioners.

<sup>27</sup> *Id.* at s. 405. Nuisance trees are exempt from the prohibitions in the tree preservation ordinances. *Id.* at 406. A "nuisance tree" is defined to be one of 10 identified trees including the *Schinus terebinthifolius* (Brazilian pepper tree/Florida holly). *Id.* at 404.

<sup>28</sup> *Id.* at s. 407. Municipalities may regulate exclusively within their jurisdictions upon certification by Broward County with some exceptions.

<sup>29</sup> *Id.* at 406.

<sup>30</sup> Protected trees are native trees in certain zones and include Red maple, Red buckeye, and Pignut hickory trees. See Ch. 15, Art. VIII, ss. 283 and 301(e), Orange County Code of Ordinances.

<sup>31</sup> Ch. 15, Art. VIII, s. 278, Orange County Code of Ordinances.

<sup>32</sup> Ch. 15, Art. VIII, s. 279(a), Orange County Code of Ordinances.

<sup>33</sup> Ch. 15, Art. VIII, s. 279(b), Orange County Code of Ordinances.

<sup>34</sup> See Florida Department of Environmental Protection, *Mangrove Trimming Guidelines for Homeowners*, "Introduction," 4, available at [https://floridadep.gov/sites/default/files/Mangrove-Homeowner-Guide-sm\\_0.pdf](https://floridadep.gov/sites/default/files/Mangrove-Homeowner-Guide-sm_0.pdf) (last visited Apr. 18, 2019).

<sup>35</sup> Ch. 95-299, s. 1, Laws of Fla. See also ss. 403.9321-403.9333, F.S.

statewide, except where DEP has delegated its authority to local governments that meet certain requirements and request such delegation.<sup>36</sup> The Act prohibits mangrove trimming or alteration without a permit issued by DEP or a delegated local government,<sup>37</sup> unless the trimming or alteration falls within certain exceptions.<sup>38</sup>

### *Electric Transmission and Distribution Line Right-of-Way Maintenance*

Tree contact with transmission lines is a leading cause of electric power outages and a common cause of blackouts.<sup>39</sup> Vegetation maintenance plans are important to electric utility providers in order to avoid tree-related outages and are regulated at the local, state, and federal level. The Federal Energy and Regulatory Commission (FERC) requires utilities to follow approved reliability standards for proper vegetation management around power lines.<sup>40</sup> Florida requires electric utility vegetation maintenance plans to follow ANSI A300 Part 1,<sup>41</sup> which provides generally accepted pruning standards for tree, shrub, and other woody plant maintenance and ANSI Z133.1-2000,<sup>42</sup> which provides comprehensive safety guidance for arborists for vegetation maintenance within an electric utility right-of-way.<sup>43</sup> Florida also requires maintenance activities to be supervised by qualified utility personnel, licensed contractors under the utility's control, or certified arborists.<sup>44</sup>

Absent a local vegetation maintenance plan, local governments are authorized to request a meeting with a utility provider to discuss the utility's vegetation maintenance plan, including the utility's trimming specifications and maintenance practices. However, local governments are restricted in adopting any ordinances or regulations that regulate plant height and width requirements and may not require permits or approvals for vegetation maintenance, tree pruning, or trimming within the right-of-way.<sup>45</sup>

State law requires a utility to give five business days' advance notice to a local government official prior to conducting vegetation maintenance activities within a right-of-way. No advance notice is required for service restoration, to avoid an imminent vegetation caused outage, or when performed at the request of the property owner adjacent to the right-of-way, provided the owner already has any required approval from the local government.<sup>46</sup>

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<sup>36</sup> See s. 403.9324, F.S. Currently, authority has been delegated to the local governments of Broward, Hillsborough, Miami-Dade, and Pinellas Counties; the City of Sanibel; and the Town of Jupiter Island. See Florida Department of Environmental Protection, Mangrove Trimming - Delegated Local Governments, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mangrove-trimming-delegated-local> (last visited Apr. 18, 2019).

<sup>37</sup> S. 403.9324(6), F.S.

<sup>38</sup> See s. 403.9328, F.S.

<sup>39</sup> Federal Energy Regulatory Commission (FERC), *Tree Trimming & Vegetation Management*, <https://www.ferc.gov/industries/electric/indus-act/reliability/vegetation-mgt.asp> (last visited Mar. 11, 2019).

<sup>40</sup> FERC, *Frequently Asked Questions*, <https://www.ferc.gov/resources/faqs/tree-veget.asp?csrt=3277879312755443250> (last visited Mar. 11, 2019).

<sup>41</sup> Tree Care Industry Association, *ANSI A300 Standards*,

[https://www.tcia.org/TCIA/BUSINESS/ANSI\\_A300\\_Standards\\_/TCIA/BUSINESS/A300\\_Standards/A300\\_Standards.aspx?hkey=202ff566-4364-4686-b7c1-2a365af59669](https://www.tcia.org/TCIA/BUSINESS/ANSI_A300_Standards_/TCIA/BUSINESS/A300_Standards/A300_Standards.aspx?hkey=202ff566-4364-4686-b7c1-2a365af59669) (last visited Mar. 11, 2019).

<sup>42</sup> Tree Care Industry Association, *ANSI Z133 2017*,

[https://tcia.org/TCIA/News/Business/ANSI\\_Z133\\_2017\\_Revision\\_Overview.aspx](https://tcia.org/TCIA/News/Business/ANSI_Z133_2017_Revision_Overview.aspx) (last visited Mar. 11, 2019).

<sup>43</sup> "Right-of-way" means land necessary for the construction and maintenance of a connected associated linear facility, such as a railroad line, pipeline, or transmission line as owned by or proposed to be certified by the applicant. S. 403.503(11), F.S.

"Transmission line right-of-way" means land necessary for the construction, operation, and maintenance of a transmission line. S. 403.522(23), F.S.

<sup>44</sup> S. 163.3209, F.S.

<sup>45</sup> S. 163.3209, F.S. "Vegetation maintenance and tree pruning or trimming" as the "mowing of vegetation within the right-of-way, and selective removal of tree branches that extend within the right-of-way."

<sup>46</sup> S. 163.3209, F.S.

Local governments may develop and adopt a vegetation maintenance plan to govern vegetation maintenance in an electric utility right-of-way. The plan must be developed with input from the electric utility and must not be inconsistent with minimum requirements adopted by the Public Service Commission. The plan cannot require the utility to plant trees or other vegetation that will achieve a height greater than 14 feet in the right-of-way.<sup>47</sup> If a local government adopts a plan, the state requirements do not apply to the right-of-way.

State law does not supersede or nullify the terms of any specific franchise agreements between an electric utility and a local government and must not be construed to limit a local government's franchising authority. In addition, local government ordinances or regulations governing planting, pruning, trimming, or removal of specimen trees or historical trees, as defined in a local government's ordinances or regulations, or trees within designated canopied protection areas, control over the statute.<sup>48</sup>

### **Effect of Proposed Changes**

The bill prohibits local governments from requiring a permit, application, notice, fee, approval, or mitigation for the pruning, trimming, or removal of a tree on residential property that has been certified to present a danger to persons or property. The certification must be provided by an arborist certified by the International Society of Arboriculture or a licensed landscape architect. The bill prohibits a local government from requiring a property owner to replant a tree that was maintained according to these provisions. The bill does not apply to authority delegated to local governments under the Mangrove Trimming and Preservation Act.

The bill removes the requirement that a property owner receive approval by the local government before requesting an electric utility to maintain vegetation in the adjacent utility right-of-way.

Finally, the bill requires county property appraisers to post a Property Owner Bill of Rights on the appraiser's website in the form provided. The required form is not comprehensive and must state on the website that it does not represent all property rights under Florida law. The form must list the following seven property rights:

- The right to acquire, possess, and protect your property.
- The right to use and enjoy your property.
- The right to exclude others from your property.
- The right to dispose of your property.
- The right to due process.
- The right to just compensation for property taken for a public purpose.
- The right to relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity unfairly affects your property.

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<sup>47</sup> S. 163.3209, F.S. The Florida House of Representatives Select Committee on Hurricane Response and Preparedness recommended repealing the statutory exception to statewide standards for vegetation management within power line rights-of-way for local governments that adopt plans that differ from the statutory standards. Select Committee on Hurricane Response and Preparedness, The Florida House of Representatives, *Select Committee on Hurricane Response and Preparedness Final Report* at 45 (January 16, 2018), <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2978&Session=2018&DocumentType=General Publications&FileName=SCHRP - Final Report online.pdf> (last visited Mar. 11, 2019).

<sup>48</sup> *Id.*



## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

Indeterminate. There may be a negative fiscal impact associated with prohibiting a local government from requiring a fee, permit, or fine for the maintenance or removal of trees in certain circumstances. In addition, there may be a negative fiscal impact on local governments to update county property appraiser websites with the required Property Owner Bill of Rights form language.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There may be a positive fiscal impact on residential property owners who are not required to obtain permits for tree maintenance in specified circumstances or replace removed trees.

### D. FISCAL COMMENTS:

None.

INDEX CODE	Index Code Titles	BUDGET	Actual	Encumbrance	Unencumbered Budget Balance	Reserves	Unencumbered Balance net of Reserves
<b>Subfund 15F Revenue</b>							
PWOD15FTP	TREE PROTECTION & RELATED EXPENSES	31,640,503	45,748,415		14,107,912		14,107,912
JXSF15FPW	TREE PROTECTION & RELATED EXPENDITURES	8,332,649	9,146,993		814,344		814,344
JXSF15F	TREE PROTECTION & RELATED EXPENDITURES	-	8,580		8,580		8,580
TRIN15FFR31R	TRF TO 15F TREE PROTECTION FR 31F	392	392		-		-
	CONVERSION AND NONCASH REVENUE ENTRIES		338,836		338,836		338,836
	<b>Total Subfund 15F Revenue</b>	<b>39,973,545</b>	<b>55,243,216</b>	<b>-</b>	<b>15,269,671</b>		<b>15,269,671</b>
<b>* Subfund 15F Expenditures</b>							
PWOD15FFSAS	FORREST STREET ASH SITE TREE/PLANTING	587,850	581,856	5,995	-	-	-
PWOD15FNMS	NORTH MAIN STREET LANDSCAPING	62,057	51,611	10,446	-	-	-
PWOD15FBIDAS	BROWN'S DUMP ASH SITE TREE/PLANTING	364,730	342,361	22,370	-	-	-
PWOD15FFCAS	5TH & CLEVELAND ASH SITE TREE/PLANTING	494,215	376,792	117,423	-	-	-
PWOD15FDCS	DUVAL COUNTY SCHOOL BOARD PROPERTY	125,000	32,757	-	92,244	-	92,244
PWOD15FDTP	DOWNTOWN TREE PLANTING	38,822	32,568	6,254	-	-	-
PWOD15FZLAE	ZOO LANDSCAPING-ASIAN EXHIBIT	1,824,408	792,976	1,031,432	-	-	-
PWOD15FIBCL	INTERSEC,BRIDGE,MISC 09/10 LANDSCAPING	100,000	81,532	-	18,468	-	18,468
PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY	4,979,980	4,693,432	230,311	56,238	-	56,238
PWML15F	TREE MAINTENANCE	2,149,689	2,141,086	290	8,312	-	8,312
PWOD15FATPP	AVONDALE TREE PLANTING PLAN	31,233	24,986	6,247	-	-	-
PWOD15FKSCP	KING ST. PLANTING COLLEGE TO PARK	85,366	69,260	16,106	-	-	-
PWOD15FHAMM	HAMMOND BLVD PROJECT	175,761	-	-	175,761	-	175,761
PWOD15FVPP	COUNTY-WIDE TREE PROG-PRESERVATION PARKS	1,000,000	485,146	-	514,854	-	514,854
PWOD15FVAP	COUNTY-WIDE TREE PROG-ACTIVE PARKS	1,151,965	619,420	-	532,545	-	532,545
PWOD15FOSABP	OLD ST.AUG AT BARTRAM PARK	18,364	16,528	1,836	(0)	-	(0)
PWOD15FLAVC	LENOX AVE.PLANTING VERNA TO CASSAT	26,436	21,149	5,287	-	-	-
PWOD15FPRBB	PATTON RD AND BEACH BLVD TREE PLANTING	32,203	13,346	18,857	0	-	0
PWML15F630CT	630-CITY TREE PLANTING PROG	200,000	70,753	128,753	494	-	494
PWOD15FMANRD	MANDARIN ROAD TREE PLANTING	103,840	21,173	8,066	74,601	-	74,601
PWOD15FSPRTR	SPRINGFIELD PRESERVATION TREE PLANTING	278,872	58,464	23,459	196,949	-	196,949
PWOD15FRAPR	RIVERSIDE AVONDALE PRES - RELEAF	781,748	366,316	415,432	-	-	-
PWOD15FLTTPP	LEVEL 2 TREE PLANTING PROGRAM	1,000,000	-	289,637	710,363	-	710,363
PWOD15FTP	TREE PROTECTION & RELATED EXPENSES	3,548,513	2,097,444	-	1,451,069	1,449,105	1,964
JXSF15FPW	TREE PROTECTION & RELATED EXPENDITURES	2,000,635	-	-	2,000,635	2,000,635	-
JXSF15F	TREE PROTECTION & RELATED EXPENDITURES	1,865,741	-	-	1,865,741	1,865,741	0
	<b>Subfund 15F Expenditures</b>	<b>23,027,427</b>	<b>12,990,953</b>	<b>2,338,200</b>	<b>7,698,274</b>	<b>5,315,481</b>	<b>2,382,793</b>

\* Includes accounts with encumbrances and budget balances

Unencumbered Budget Balance

Revenues

Expenditures

Unencumbered Balance net of Reserves

15,269,671

7,698,274

(2,382,793)

INDEX CODE	Index Code Titles	BUDGET	Actual	Encumbrance	Unencumbered Budget Balance	Reserves	Unencumbered Balance net of Reserves
Subfund 15F Available to Appropriate (Budget less Actual less Encumbrance less Unencumbered Budget balance)							20,585,152



8/2/19

FY	DOC_NO	DOC SUFFIX	Sub fund	VENDOR_NAME	Amount	INDEX_CODE	Index Code Title
2019	CTPW07000014	01	15F	JACKSONVILLE ZOOLOGICAL SOCIETY	1031432.38	PWOD15FZLAE	ZOO LANDSCAPING-ASIAN EXHIBIT
2019	PO3019740001	04	15F	THE DAVEY TREE EXPERT COMPANY	29663.46	PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY
2019	PO3019740003	02	15F	THE DAVEY TREE EXPERT COMPANY	5994.5	PWOD15FFSAS	FORREST STREET ASH SITE TREE/PLANTING
2019	PO3019740004	02	15F	THE DAVEY TREE EXPERT COMPANY	22369.5	PWOD15FBDAS	BROWN'S DUMP ASH SITE TREE/PLANTING
2019	PO3019740005	02	15F	THE DAVEY TREE EXPERT COMPANY	117423	PWOD15FFCAS	5TH & CLEVELAND ASH SITE TREE/PLANTING
2019	PO7A02942006	01	15F	THE DAVEY TREE EXPERT COMPANY	10445.81	PWOD15FNMS	NORTH MAIN STREET LANDSCAPING
2019	PO7A02942018	01	15F	THE DAVEY TREE EXPERT COMPANY	1836.42	PWOD15FOSABP	OLD ST.AUG AT BARTRAM PARK
2019	PO7A02942019	01	15F	THE DAVEY TREE EXPERT COMPANY	16105.92	PWOD15FKSCP	KING ST. PLANTING COLLEGE TO PARK
2019	PO7A02942021	01	15F	THE DAVEY TREE EXPERT COMPANY	6246.52	PWOD15FATPP	AVONDALE TREE PLANTING PLAN
2019	PO7A02942023	01	15F	THE DAVEY TREE EXPERT COMPANY	5287.17	PWOD15FLAVC	LENOX AVE.PLANTING VERNA TO CASSAT
2019	PO7A02942025	01	15N	THE DAVEY TREE EXPERT COMPANY	6253.17	PWOD15NHR	HARTS ROAD TREE PLANTING
2019	PO7A02942026	01	15F	THE DAVEY TREE EXPERT COMPANY	18856.68	PWOD15FPRBB	PATTON RD AND BEACH BLVD TREE PLANTING
2019	PO8A01798017	01	15F	LEWIS TREE SERVICE, INC.	290.35	PWML15F	TREE MAINTENANCE
2019	PO8A01798019	01	15F	LEWIS TREE SERVICE, INC.	172975.63	PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY
2019	PO9A04239000	02	15F	ALLSTAR IRRIGATION	7856	PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY
2019	PO9A05520000	01	15F	FERNANDINA MULCH & STONE, LLC.	8066.35	PWOD15FMANRD	MANDARIN ROAD TREE PLANTING
2019	PO9A05520000	02	15N	FERNANDINA MULCH & STONE, LLC.	3321.49	PWOD15NMANRD	MANDARIN ROAD TREE PLANTING
2019	PO9A06015000	01	15F	FERNANDINA MULCH & STONE, LLC.	23459.24	PWOD15FSPRTP	SPRINGFIELD PRESERVATION TREE PLANTING
2019	PO9A08081001	01	15F	THE DAVEY TREE EXPERT COMPANY	415431.59	PWOD15FRAPRL	RIVERSIDE AVONDALE PRES - RELEAF
2019	PO9A08081003	01	15F	THE DAVEY TREE EXPERT COMPANY	4,392.04	PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY
2019	PO9A08081004	01	15F	THE DAVEY TREE EXPERT COMPANY	2,387.25	PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY
2019	PO9A08081005	01	15F	THE DAVEY TREE EXPERT COMPANY	13,036.30	PWOD15FROW	COUNTY-WIDE TREE PROG-RIGHT OF WAY
2019	PO9A08081006	01	15F	THE DAVEY TREE EXPERT COMPANY	247,749.52	PWOD15FLTTPP	LEVEL 2 TREE PLANTING PROGRAM
2019	PO9A08081007	01	15F	THE DAVEY TREE EXPERT COMPANY	20,414.48	PWOD15FLTTPP	LEVEL 2 TREE PLANTING PROGRAM
2019	PO9A08644001	01	15F	FERNANDINA MULCH & STONE, LLC.	17,450.64	PWML15F630CT	630-CITY TREE PLANTING PROG
2019	PO9A08644002	01	15F	FERNANDINA MULCH & STONE, LLC.	21,472.80	PWOD15FLTTPP	LEVEL 2 TREE PLANTING PROGRAM
2019	PO9A08644003	01	15F	FERNANDINA MULCH & STONE, LLC.	89,481.60	PWML15F630CT	630-CITY TREE PLANTING PROG
2019	PO9A08644004	01	15F	FERNANDINA MULCH & STONE, LLC.	21,820.80	PWML15F630CT	630-CITY TREE PLANTING PROG

2,341,520.61




**TREE REMOVAL PERMIT INFORMATION**




*Click here to search detailed information on Site Clearing and Tree Removal Permits. In reviewing tree removal information on a specific permit, for "B" permits click on the Spec 2 tab; for "L" permits click on the Tree Mitigation tab.*

**TREE FUND CITY PLANTING PROJECTS**




*Click here to search detailed information about City Tree Fund Planting Projects.*

**AVAILABLE FOR APPROPRIATION**



15F (Ordinance):	\$20,585,150.84
15N (Charter):	\$4,771,484.89
Better Jacksonville Plan - Tree Mitigation Project:	\$1,717,826.00
<b>Total:</b>	<b>\$27,074,461.73</b>

**FILE AN ISSUE**



*Click here to report site clearing or tree removal without a permit, or to request tree maintenance on public property. In the CARE System, select "Tree Remove or Landscape Violation" from the dropdown.*

*Disclaimer: The AVAILABLE FOR APPROPRIATION information shown on this page is updated nightly from the City's financial records, but does not include any pending appropriations, or other financial transactions of the funds which have not been completed.*



If you experience difficulty viewing or accessing the documents provided on this site, or navigating this application's table features, using any assistive technology please contact the Disabled Services Division at 904-630-4940 or 904-630-4933 (TTY) to request an accommodation.

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Version: 1.0.0.6

08/02/19

	FY2018	FY2018	FY2018	FY 2019	FY 2019	FY 2019	FY 2019	FY 2019	FY 2019	FY 2019	FY2019	FY2019	FY2019	FY2019
<u>FY 2018 Revenues by month</u>	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>
34375 TREE MITIGATION FUNDS - ARTICLE 25	15,035	78,707	34,100	48,100	112,999	96,792	54,168	26,146	119,640	47,804	81,548	18,714	28,268	-
361101 INVESTMENT POOL EARNINGS	40,772	40,877	45,812	-	27,825	31,552	39,249	42,747	54,262	56,976	65,426	64,904	51,668	-
36602 CONTRIBUTIONS FROM PRIVATE SOURCES	31,240	52,700	(120,465)	215,352	794,660	181,300	215,544	30,044	1,684,300	159,248	402,280	314,029	78,144	-
<b>(15F) TREE PROTECTION &amp; RELATED EXPENDITURES</b>	<b>87,047</b>	<b>172,284</b>	<b>(40,553)</b>	<b>263,452</b>	<b>935,484</b>	<b>309,644</b>	<b>308,961</b>	<b>98,936</b>	<b>1,858,202</b>	<b>264,028</b>	<b>549,254</b>	<b>397,647</b>	<b>158,080</b>	<b>-</b>
34375 TREE MITIGATION FUNDS - ARTICLE 25	15,620	103,331	23,325	52,875	152,212	45,675	198,209	15,905	8,633	14,162	49,494	30,806	15,622	-
361101 INVESTMENT POOL EARNINGS	7,409	7,695	8,828	-	5,404	6,137	7,646	8,450	10,914	11,460	12,255	12,082	9,555	-
<b>( 15N) TREE MITIGATION &amp; RELATED EXPENSE</b>	<b>23,029</b>	<b>111,026</b>	<b>32,153</b>	<b>52,875</b>	<b>158,591</b>	<b>51,812</b>	<b>205,855</b>	<b>24,356</b>	<b>19,547</b>	<b>25,622</b>	<b>61,749</b>	<b>42,888</b>	<b>25,177</b>	<b>-</b>
	<b>110,076</b>	<b>283,310</b>	<b>(8,400)</b>	<b>316,327</b>	<b>1,094,075</b>	<b>361,456</b>	<b>514,816</b>	<b>123,292</b>	<b>1,877,749</b>	<b>289,650</b>	<b>611,003</b>	<b>440,535</b>	<b>183,258</b>	<b>-</b>