

**BACK UP MATERIALS INCLUDED WITH  
AGENDA REQUEST FOR  
TREE ADVISORY COMMITTEE  
RECOMMENDATIONS**

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# **TREE ADVISORY COMMITTEE BOARD REPORT**

TO: City Commission  
FROM: Tree Advisory Committee  
RE: Board Report

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The Tree Advisory Committee (hereinafter “TAC”) was created by Resolution 17R-2649 after a unanimous vote of the City Commission on August 21, 2017. The TAC consisted of two neighborhood representatives (Mary Fuerst and Rob Patten), two development interest representatives (Michael Halflants and Chris Gallagher), one downtown core resident (Trevor Falk), one Chamber of Commerce representative or downtown core representative (Shawn Dressler), and one landscape architect or arborist (Michael Gilkey, Jr.). City staff supporting the TAC included Timothy Litchet (Director of Development Services), Mark Miller (Senior Arborist), Don Ullom (Arborist), and Joe Mladinich (Assistant City Attorney).

The TAC commenced its first meeting on December 6, 2017, and held twenty-six meetings, completing their work on October 16, 2019. During of course of these twenty-four meetings and through listening to input from numerous interested parties, three major themes began to emerge: 1) the lack flexibility in the code; 2) the need to plant trees which adhere to the principles of “right tree, right location”; and 3) the desire to enact a long-term Urban Forestry Management Plan for the City of Sarasota.

Complaints about the lack of flexibility in the current code were a common occurrence. The TAC thus worked in several different ways to add flexibility to the code. The TAC created a simplified permit process for residential property owners who wish to re-landscape their property, provided that they mitigate for the tree(s) removed. Additionally, the TAC changed the way that mitigation for the removal of trees is calculated. Instead of a rigid format whereby the size of the tree removed determined how many trees would have to be replaced and at a size of either 3”, 5”, or 7” caliper inch diameter, more flexibility was added to mitigation. Firstly, the TAC found that requiring trees with a 5” or 7” caliper required a huge increase in cost to the permittee, but that trees of this size often had their roots stunted through being grown in containers that did not allow them to flourish. Alternatively, a smaller caliper replacement tree would actually surpass the larger caliper stunted tree within the very near future and provide a larger canopy in the long-term. Further many species of trees could not be transplanted at this larger required minimum caliper, so lowering the required minimum caliper of replacement tree creates a greater diversity of species to be used for replacement. So, although it may seem counterintuitive at first glance, reducing the minimum caliper of trees required to be replaced actually increases the size of the future canopy relative to species while at the same time allows for greater diversity of species. Additionally, to balance the immediate effect of allowing for smaller caliper replacement trees, the TAC also added the requirement that the total aggregate caliper inch of tree removed had to be replaced on an inch-for-inch basis. Where under the current code a 40” caliper live oak would have to be replaced by three 7” trees, totaling 21” caliper diameter of replacement tree, under the aggregate mitigation requirement all 40” of tree would have to be either replaced or a fee paid into the tree fund for any remaining inches not planted. This encourages the planting of more trees and still allows permittees to replace with large trees if they desire and get full credit for them. Further, once a permittee has replaced the require minimum number of replacement trees, they have

the flexibility to plant more trees to meet the aggregate total, or they may pay into the tree fund for the remaining caliper inches not replaced. The fee would then go into the tree fund to be used to fund the planting of trees elsewhere in the City.

Secondly, the current code did not properly encourage the intelligent planting of trees, which manifested itself through the creation of “right tree, right location” principles using Site Evaluation and Species Selection (SESS) criteria. The idea being that the ultimate success or failure of a tree to thrive is based upon certain criteria that should be considered at the time of planting. When the right tree is planted in the right location, it will thrive. When the wrong tree is planted in the wrong location, it will not. Additionally, certain species of trees thrive in the climate zone specific to the City of Sarasota, which include native and Florida-friendly trees. With these objectives in mind, the TAC created a category of trees referred to as “Preferred Trees”, whereby these species of trees are encouraged through additional credits towards required mitigation when they are planted. Conversely, trees which are invasive and not conducive to this climate and our native species, shall be discouraged through the creation of category of trees identified as “Undesirable Trees”. A trees status as an Undesirable Tree shall constitute a basis for removal and no mitigation or fees are required.

Thirdly, the development of a long-term Urban Forestry Management Plan was championed, which would help to provide a truly sustainable tree canopy taking a pro-active approach and not relying solely upon rules, permits, and fees from tree removal. The TAC invited Dr. Rob Northrup from the Florida Urban Forestry Institute and principle author of the City of Tampa’s Urban Forestry Management Plan to present upon what this entails. An Urban Forestry plan provides a scientific, systematic, and measurable approach to maintain and hopefully increase the City’s urban canopy footprint. With this goal in mind, the TAC recommends the creation of an urban forestry plan for the City within two years and that it is funded in the 2019-2020 fiscal budget.

While the TAC addressed the major themes as outlined above, they did so through the drafting of motions. In total, the TAC passed 27 motions, each of which was directed to one of the eight issues the City Commission tasked them with providing recommendations upon. As provided below, the following eight issues were addressed by the corresponding motions:

**ISSUES Nos. 1-8:**

1. How to best address the issue of City residents who would like to remove a healthy tree in order to re-landscape their privately-owned properties.  
- TAC Recommendations: Motions Nos. 1 & 2.
2. How to best address the issue of unsafe conditions caused by healthy trees on public property. (e.g. roots lifting sidewalks) The enumeration of this task among the Committee's duties shall not be construed to restrict or limit the authority of the City administration to remove trees on public property that are the cause of hazardous or dangerous conditions on public rights of way or to otherwise eliminate or improve unsafe conditions on public property resulting from the presence of trees during the time that the Committee is active.  
- TAC Recommendation: Motion No. 3.
3. How to best address the issue of healthy trees on public property that cause damage to public infrastructure (e.g. utilities) or that impair or reduce the rights of private property owners to the use and enjoyment of their properties. (e.g. views)  
- TAC Recommendation: Motions Nos. 4 & 5.

4. Should the same criteria be applied to determine whether to issue a permit to remove a tree classified as a Class II invasive species as is applied to determine whether to issue a permit to remove a native tree?  
- TAC Recommendation: Motion No. 6
5. Should the current "sliding scale" mitigation standards for tree removal be revised, and if so, how?  
- TAC Recommendation: Motions Nos. 7-11.
6. Are the current fees charged for tree removal and for mitigation of removed trees fair and reasonable? Should there be a differentiation between such charges that are imposed on homeowners of residential properties and on owner/developers of commercial projects?  
- TAC Recommendation: Motions Nos. 12-16.
7. Review proposed canopy tree ordinance and provide comments or recommendations regarding the proposed ordinance.  
- TAC Recommendation: Motions No. 17.
8. In addition to items 1 through 7 above, the Committee shall be further authorized to make other recommendations regarding potential amendments to the City's Tree Protection Ordinance (Article VII, Division 3.1 of the Zoning Code) as the majority of its members deem appropriate.  
- TAC Recommendation: Motions Nos. 18-27.

A complete list of the TAC motions addressing each of these eight issues is attached to this report. The TAC recommends that the City Commission adopt these motions as drafted and instruct the City Attorney's Office to prepare a draft ordinance reflecting these recommendations.

**TREE ADVISORY COMMITTEE  
RECOMMENDATIONS PRESENTED BY MOTION**

TREE ADVISORY COMMITTEE  
RECOMMENDATIONS ON EIGHT ISSUES, PRESENTED BY MOTION

**ISSUE #1:**

**How to best address the issue of City residents who would like to remove a healthy tree in order to re-landscape their privately-owned properties.**

**Motion No. 1: To be inserted under Zoning Code Sec. VII-320(1)(I)**

A motion to add a new basis for tree removal entitled:

**Landscaping Existing Qualifying Residences.**

*Intent:* To allow City residents the flexibility to re-landscape their residential property provided that a grand tree is not removed and appropriate mitigation is provided.

*Add a new basis for tree removal:*

That the tree(s) to be removed is for the purpose of re-landscaping an existing qualifying residence and is not a grand tree. An “existing qualifying residence” shall be defined as a single-family residential structure which has been owner-occupied for at least one year. Applicants shall be provided with a simplified permit process whereby the site plan does not have to be drawn by a professional landscape architect or engineer. Standard mitigation shall be required except:

- a. Upon a finding by the City Arborist that the tree removal is due to over-density of trees on the site, whereby the “right tree, right location” principles [AKA – Site Evaluation and Species Selection (SESS) criteria] are better served through tree removal, then no replacement trees or mitigation fees are required.

**Motion No. 2: To be inserted under Zoning Code Sec. VII-322(2)(a)(ii)**

**Motion to add a new section defining “right tree, right location”.**

In determining whether “right tree, right location” principles have been met, the following Site Evaluation and Species Selection (SESS) criteria shall be considered and adhered to:

**Site Evaluation criteria:**

- Hardiness zone
- Light exposure
- Salt tolerance
- Other trees onsite
- Overhead/underground utility conflict
- Building (proximity to)
- Root spacing restrictions
- Compacted soils, poor drainage, low oxygen
- Irrigation
- Soil improvements/soil Ph

Species Selection criteria:

- Mature size
- Form (open canopy/pyramidal/conical)
- Function (shade, flower, nesting, etc.)
- Fertilization
- Maintenance (prune/drop fruit?)
- Aggressive/destructive roots

**ISSUE #2:**

**How to best address the issue of unsafe conditions caused by healthy trees on public property (e.g. roots lifting sidewalks). The enumeration of this task among the Committee's duties shall not be construed to restrict or limit the authority of the City administration to remove trees on public property that are the cause of hazardous or dangerous conditions on public rights-of-way or to otherwise eliminate or improve unsafe conditions on public property resulting from the presence of trees during the time that the Committee is active.**

**Motion No. 3: To be inserted under Zoning Code Sec. VII- 320(5)**

A motion to add a new section (5) to VII-320 titled: Removal of Trees on Public Property and in Rights-of-way by the City:

- If a tree is shown to cause a public hazard or create an unsafe condition, it can be removed and the unsafe condition corrected. Where practical it will be replaced with a more appropriate tree that:
  - Adheres to the "right tree, right location" Site Evaluation and Species Selection (SESS) criteria as defined in the Code.
  - Uses planting technologies that have been shown to reduce damage to public infrastructure
  - Uses best management practices for new trees planted in that particular location and situation
- A City Arborist will be consulted on these determinations and that recommendation will be approved by either the Director of Parks and Recreation or the Director of Public Works as may be appropriate, and the Director of Development Services prior to the tree being removed and replaced. The determination should include consideration as to whether the hazard can reasonably be mitigated or eliminated without tree removal.

**ISSUE #3:**

**How to best address the issue of healthy trees on public property that cause damage to public infrastructure (e.g. utilities) or that impair or reduce the rights of private property owners to the use and enjoyment of their properties (e.g. views).**

**Motion No. 4: To be inserted under Zoning Code Sec. VII- 320(5)**

A motion for the first portion of Issue #3 related to infrastructure damage to utilize the recommendation for Issue #2.

Add a new section (6) to VII-320 titled: Removal of Trees in Public Rights-of-way by the City:

- If a tree is shown to cause a public hazard or create an unsafe condition, it can be removed and the unsafe condition corrected. Where practical it will be replaced with a more appropriate tree that:
  - Adheres to the “right tree, right location” Site Evaluation and Species Selection (SESS) criteria as defined in the Code.
  - Uses planting technologies that have been shown to reduce damage to public infrastructure
  - Uses best management practices for new trees planted in that particular location and situation
- A City Arborist will be consulted on these determinations and that recommendation will be approved by either the Director of Parks and Recreation or the Director of Public Works as may be appropriate, and the Director of Development Services prior to the tree being removed and replaced. The determination should include consideration as to whether the hazard can reasonably be mitigated or eliminated without tree removal.

**Motion No. 5: To be inserted under Zoning Code Sec. VII- 320(5)**

A motion to add a sentence to the end of new section VII-320(6) that states: Removal of a healthy right-of-way tree for the purpose of improving sight view corridors or making signage more visible does not qualify as a criterion for granting a tree removal permit.

**ISSUE #4:**

**Should the same criteria be applied to determine whether to issue a permit to remove a tree classified as a Class II invasive species as is applied to determine whether to issue a permit to remove a native tree?**

**Motion No. 6: To be inserted under Zoning Code Sec. VII-330**

A motion to create a category of “Undesirable Trees”. A tree’s status as “Undesirable” shall constitute a basis for removal and no mitigation or fees are required for its removal. If an Undesirable Trees is planted, it shall not be given any credit towards required mitigation.

**Undesirable Trees**

**Undesirable Trees** – A tree that negatively impacts the City of Sarasota’s vision of a healthy, safe and long-term canopy. The following trees are deemed Undesirable Trees:

- A. Australian Pine (*Casuarina* spp)
- B. Bischofia (*Bischofia javanica*)
- C. Bottle Brush (*Castillemon viminalis*)
- D. Brazilian Pepper (*Schinus terebinthifolius*)
- E. Camphor Tree (*Cinnamomum camphora*)
- F. Carrotwood (*Cupaniopsis anacardiodes*)
- G. China Berry (*Melia azedarach*)
- H. Chinese Tallow (*Sapium sebiferum*)
- I. Golden Rain Tree (*Koelreuteria elegans*)
- J. Indian Rosewood (*Dalbergia sissoo*)
- K. Java Plum (*Syzygium cumini*)
- L. Mahoe (*Thespesia populnea*)
- M. Melaleuca (*Melaleuca quinquenervia*)
- N. Mimosa spp (*Albizia* spp)
- O. Norfolk Island Pine (*Araucaria heterophylla*)
- P. Schefflera (*Schefflera actinophylla*)
- Q. Silk Oak (*Grevillea robusta*)
- R. Ear/Elephant's Ear (*Enterolobium cyclocarpa*)
- S. Earleaf Acacia (*Acacia auriculiformis*)
- T. Hong Kong Orchid (*Bauhinia blakeana*)
- U. Floss Silk Tree (*Chorisia speciosa*)
- V. Monkey Puzzle (*Araucaria araucana*)

#### **ISSUE #5:**

**Should the current "sliding scale" mitigation standards for tree removal be revised, and if so, how?**

#### **Motion No. 7: To be inserted under Zoning Code Sec. VII-322(2)(a)**

A motion to amend the caliper minimum for replacement trees required for mitigation to 3" caliper for canopy trees and 2" caliper for all others.

EXISTING TREE SIZE	REQUIRED REPLACEMENT CALIPER MINIMUM	RATIO OF REPLACEMENT TREES TO REMOVED TREES
4" - 15" D.B.H.	3" (canopy tree), 2" all others	1:1
16" - 30" D.B.H.	3" (canopy tree), 2" all others	2:1
Over 30" D.B.H.	3" (canopy tree), 2" all others	3:1

#### **Motion No. 8: To be inserted under Zoning Code Sec. VII-322-(2)(a)(iv)**

A motion to amend the mitigation requirements whereby permittees shall be required to mitigate based upon the total aggregate number of caliper inches of the tree(s) removed. The minimum number of required replacement trees remains the same, but where the total caliper of the trees replaced is less

than the aggregate number of caliper inches of the tree(s) removed, the permittee shall pay a fee for each caliper inch remaining until the total aggregate caliper inches of the tree(s) removed has been reached.

Trees are only credited towards mitigation provided that they adhere to the “right tree, right location” principles (AKA – Site Evaluation and Species Selection Criteria) provided under Section \_\_\_\_, as determined by a City of Sarasota Arborist.

**Motion No. 9: To be inserted under Zoning Code Sec. VII-322-(2)(a)(iv)**

A motion to provide rules applicable to palm trees:

If a palm tree is removed, no mitigation is required unless it is a Cabbage palm. If a permittee chooses not to mitigate for a Cabbage Palm onsite, a \$200 fee may be paid in lieu of other mitigation.

Palms may not be used as mitigation trees, with the exception of Cabbage palms. Cabbage palms may be used for mitigation provided that they constitute no more than 30% of the required mitigation; however, they will only count as two inches per tree towards the total aggregate caliper mitigation required and they must be at least 12 feet tall.

**Motion No. 10: To be inserted under Zoning Code Sec. II-201 & VII-310**

A motion to adopt a new definition of Grand Tree:

A tree may be considered a grand tree if it has a DBH measurement of 24” or greater, for the following species, Live oak (*Quercus virginia*), Sand Live Oak (*Quercus geminata*); a DBH measurement of 20” or greater for the following species, Slash Pine (*Pinus elliottii*), Longleaf Pine (*Pinus palustris*) or Southern Red Cedar (*Juniperus virginiana*) and is determined to have a good or moderate rating by the City Arborist, based on the following definitions:

**Suitability Ratings**

Good: Trees in this category are in good health and structural stability and have potential for longevity at the site

Moderate: Trees in this category are in fair health and/or have structural defects that may be mitigated with treatment. These trees may require more intense management and monitoring, and may have shorter life-spans than those in the “good” category

Poor: Trees in this category are in poor health or have significant defects in structure that cannot be mitigated with treatment. These trees can be expected to decline regardless of management.

- Final decision as to the health of the tree is to be determined by a City Arborist.
- The new definition should be referenced in the Grand Tree section.

**Motion No. 11: To be inserted under Zoning Code Sec. VII-329**

A motion to create a category of Trees Eligible for Mitigation Incentives.

The following trees shall be categorized as Trees Eligible for Mitigation Incentives:

A. Canopy

- a. Live Oak (*Quercus virginiana*)
- b. Slash Pine (*Pinus elliottii*)
- c. Long Leaf Pine (*Pinus palustris*)
- d. Southern Red Cedar (*Juniperus virginiana*)
- e. Gumbo Limbo (*Bursera simaruba*)
- f. Royal Poinciana (*Delonix regia*)
- g. Red Maple (*Acer rubrum*)
- h. Sycamore (*Platanus occidentalis*)
- i. Magnolia (*Magnolia spp*)
- j. Winged Elm (*Ulmus alata*)

B. Palms

- a. Cabbage Palm (*Sabal palmetto*)

C. Understory Trees

- a. Pink Tabebuia (*Tabebuia heterophylla*)
- b. Silver Trumpet tree (*Tabebuia aurea*)
- c. Geiger spp (*Cordia spp*)
- d. Holly spp (*Ilex spp*)
- e. Clusia (Pitch Apple) – tree form (*Clusia rosea*)
- f. Crapemyrtle – tree form (*Lagerstroemia indica*)
- g. Buttonwood – tree form (*Concarpus erectus*)
- h. Sea Grape – tree form (*Coccoloba uvifera*)
- i. Spanish Stopper – tree form (*Eugenia foetida*)
- j. Simpson Stopper – tree form (*Myrcianthes fragrans*)
- k. Pigeon Plum (*coccoloba diversifolia*)
- l. Black Olive ‘Shady Lady’ (*Terminalia buceras*, cv “Shady lady”)
- m. Chickasaw Plum (*Prunus angustifolia*)
- n. Flatwoods Plum (*Prunus umbellate*)
- o. Fringe Tree (*Chionanthus virginicus*)
- p. Loquat (*Eriobotrya japonica*)

The use of Trees Eligible for Mitigation Incentives shall be incentivized through the use of a multiplier credit applied towards required mitigation. When Trees Eligible for Mitigation Incentives are used as mitigation for a tree removed, the total caliper inches of the tree planted shall be credited with a multiplier of 1.5 (150%). This multiplier shall not be applied towards Cabbage palms, whose mitigation standards are found under Section \_\_\_\_ (see Motion No. 9)

**ISSUE #6:**

**Are the current fees charged for tree removal and for mitigation of removed trees fair and reasonable? Should there be a differentiation between such charges that are imposed on homeowners of residential properties and on owner/developers of commercial projects?**

**Motion No. 12: To be inserted under Fee Resolution 19R-2838**

A motion to change the fees in Section II(A) of fee resolution 16R-2605 to:

Fees				
DBH in inches	Existing Single Family	New Single Family	Existing Development	New Development
4" or more	\$40	\$100	\$100	\$125
Grand Tree	\$70	\$300	\$300	\$300

Fees shall be waived for trees that are successfully relocated provided the applicant agrees to abide by the one-year establishment period requirements.

**Motion No. 13: To be inserted under Zoning Code Sec. VII-329**

A motion to utilize a multiplier credit of 1.5 DBH towards the total mitigation required when using a tree from the Trees Eligible for Mitigation Incentives list, with the exception of when Cabbage Palms are utilized for mitigation.

**Motion No. 14: To be inserted under Zoning Code Sec. II-201**

A motion that trees that are planted in response to zoning requirements or mitigation requirements are considered protected tree regardless of DBH.

**Motion No. 15: To be inserted under Zoning Code Sec. VII-322 (2)(a)(iii)**

A motion for an 8-foot minimum height requirement for 2" DBH understory trees.

**Motion No. 16: To be inserted under Zoning Code Sec. VII-331**

A motion that no root larger than 3 inches in diameter shall be severed unless a root management plan by a certified arborist and/or landscape architect has been submitted and approved by the City Arborist.

**ISSUE #7:**

**Review Proposed Canopy tree ordinance and provide comments or recommendations regarding the proposed ordinance.**

**Motion No. 17: To be inserted under Zoning Code Sec. VII-332**

A motion to recommend that the City Commission not adopt the ordinance as proposed and instead supports a canopy tree recognition program following the parameters based upon the Sarasota County definition of Canopy Road:

1. A Canopy Road shall have a minimum of approximately 50% upper story coverage (not counting invasive species), per section of roadway as measured by branching, drip line, shadows, and other visual cues.
2. A Canopy Road shall consist of a minimum of approximately 75% native and naturalized species.
3. A Canopy Road shall consist of a minimum length of approximately 1/8 mile (660').

**ISSUE #8:**

**In addition to items 1 through 7, the Committee shall be further authorized to make other recommendations regarding potential amendments to the City's Tree protection Ordinance (Article VII, Division 3.1 of the Zoning Code) as the majority of its members deem appropriate**

**Motion No. 18: To be inserted under Zoning Code Sec. VII-309(b)**

Motion to amend VII-309(b) to revise the "purpose" section.

The purpose of these regulations is to promote a healthy, diverse, and resilient tree canopy while allowing for reasonable flexibility in fulfilling the following objectives:

- a. Encouraging the use of native and Florida-friendly trees.
- b. Facilitating the elimination of invasive species of trees that threaten the native ecosystem.
- c. Encouraging the use of trees suited to local growing conditions.
- d. Facilitating the placement of the right tree in the right place through careful consideration of the appropriate tree species for the specific growing space.
- e. Enhancing the overall appearance of the City of Sarasota.
- f. Improving air quality through the retention and installation of trees.
- g. Conserving water by protecting established and native landscaping.
- h. Increasing property values through the use of trees as a capital asset.
- i. Providing a reasonable mechanism for the removal of trees and mitigation therefor.

**Motion No. 19: Non-codified**

A motion to create a street tree master plan.

**Motion No. 20: Non-codified**

A motion for the creation of an urban forestry program that is responsible for delivering a strategic urban forestry plan for the City within 2 years.

**Motion No. 21: Non-codified**

A motion that the urban forestry program and the street tree master plan are funded in the 2019-2020 fiscal budget.

**Motion No. 22: Non-codified**

A motion to support the tree planting pilot program as proposed by Lou Costa with modifications:

- a.) Must be consistent with any adopted street tree plan; and,
- b.) Trees must be canopy or understory trees on the list of Trees Eligible for Mitigation Incentives; and,
- c.) Removal of Item G which states: Developers are provided the option to donate into the Tree Replacement Fund instead of offsite planting; and,
- d.) The purpose of the pilot tree planting program should be to focus on the planting of canopy trees.

\*See attached tree planting pilot program

**Motion No. 23: To be inserted into the Development Standards Table for each of the 10 zone districts under Article VI of the Zoning Code**

A motion for proposed open space rule – If an open space is provided on-site for the preservation of grand trees in zone districts other than RSF, and the property is not adjacent to RSF zoned property, additional buildable area equal to the number of allowable stories times the open space area, may be provided together with up to two stories of additional height. In zone districts where height is measured in feet, a maximum of 20 additional feet consisting of two times the open space area, may be provided. Approved long-term management plan must be included.

**Motion No. 24: To be inserted into Sec. IV-606(f)(7)**

A motion for an Adjustment/Variance Review Process -

Adjustment/Variance reviews allow alternative ways to meet the vision, intent and purpose of the code by providing flexibility for sites that contain significant tree canopy where the applicant can demonstrate that the proposed adjustment will lead to the preservation of trees. All regulations in the Sarasota City Zoning Code, which do not exceed a 25-percent dimensional standard, where applicable, may be modified administratively by the Director of Development Services by using the adjustment review process for the purpose of saving significant tree canopy. Applicants can seek additional relief beyond the 25% adjustment limit with a public board.

**Motion No. 25: To be inserted into Fee Resolution 19R-2838(II)(f)**

A motion to waive fees for a variance or adjustment that is filed to preserve trees. Hard Costs for a variance or adjustment may be paid from the tree mitigation fund.

**Motion No. 26: To be inserted into Sec. VII-322(2)(b)**

A motion to change the required mitigation trees for Affordable Housing projects to mirror the other non-affordable housing mitigation requirements and to add a sentence stating that Affordable Housing projects qualify to use the eligible funds under the Fee Resolution.

**Motion No. 27: To be inserted into Sec. IV-606(e)**

A motion to add a new subsection under Zoning Code Sec. IV-606(e) to allow the preservation of trees a constitute a basis for consideration of a sign variance.

**Voting record on motions:**

Motion No. 1

1/16/19 Original Motion No. 1/No. 2 for Issue #1 made by: Member Patten

Seconded by: Member Fuerst

Motion passed: 4-1

In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten

Opposed: Member Gallagher

1/30/19 Modification to Motion No. 1 for Issue #1 with the addition an over-density exception, made by: Member Fuerst

Seconded by: Member Falk

Motion passed: 5-1

In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk

Opposed: Member Gallagher

2/13/19 Modification to Motion No. 1 for Issue #1 with the addition of an "intent" section. Motion made by: Vice Chair Gilkey

Seconded by: Member Fuerst

Motion passed: 5-1

In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk

Opposed: Member Gallagher

2/13/19 Modification to Motion No. 1 for Issue #1 with addition of section A. made by: Member Fuerst

Seconded by: Member Falk

Motion passed: 4-2

In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Falk

Opposed: Member Gallagher, Member Patten

**2/27/19 Modification to Motion No. 1 to eliminate A and B from Motion No. 1 of Issue #1 and to add language for simplified permit, keep language related to over density, and note standard mitigation.**

**Motion made by: Member Fuerst**

**Seconded by: Member Patten**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

**Motion No. 2**

**1/16/19 Motion made by: Member Patten**

**Seconded by: Vice Chair Gilkey**

**Motion passed: 4-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten**

**Opposed: Member Gallagher**

**2/13/19 Modification to section title by consensus.**

**Motion No. 3**

**1/16/19 Motion made by: Vice Chair Gilkey**

**Seconded by: Member Fuerst**

**Motion passed: 4-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten**

**Opposed: Member Gallagher**

**Motion No. 4**

**1/16/19 Motion made by: Vice Chair Gilkey**

**Seconded by: Member Fuerst**

**Motion passed: 4-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten**

**Opposed: Member Gallagher**

**Motion No. 5**

**1/16/19 Motion made by: Vice Chair Gilkey**

**Seconded by: Member Patten**

**Motion passed: 5-0**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Gallagher**

**Opposed: None**

**9/11/19 Motion clarified to include reference to the fact that an independent public health, safety, or welfare basis still exists.**

Motion No. 6

**1/16/19 Original made by: Vice Chair Gilkey**

**Seconded by: Member Patten**

**Motion passed: 4-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten**

**Opposed: Member Gallagher**

**1/30/19 Modification to Motion with the addition of language related to mitigation and fee requirements made by: Vice Chair Gilkey**

**Seconded by: Member Fuerst**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

**5/13/19 Modification to Motion with the addition and deletion of language related to undesirable trees made by: Member Patten**

**Seconded by: Member Fuerst**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

Motion No. 7

**1/30/19 Motion made by: Vice Chair Gilkey**

**Seconded by: Member Patten**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

Motion No. 8

**1/30/19 Motion providing that Cabbage palms may be used for mitigation on a limited basis made by: Member Patten**

**Seconded by: Vice Chair Gilkey**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

**2/27/19 Motion providing that palm trees, with the exception of Cabbage palms, will not require mitigation upon removal made by: Vice Chair Gilkey**

**Seconded by: Member Fuerst**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

**2/27/19 Motion regarding mitigation for removal of Cabbage palms made by: Vice Chair Gilkey**

**Seconded by: Member Fuerst**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

**Motion No. 9**

**1/30/19 Motion providing that Cabbage palms may be used for mitigation on a limited basis made by: Member Patten**

**Seconded by: Vice Chair Gilkey**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

**2/27/19 Motion providing that palm trees, with the exception of Cabbage palms, will not require mitigation upon removal made by: Vice Chair Gilkey**

**Seconded by: Member Fuerst**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

**2/27/19 Motion regarding mitigation for removal of Cabbage palms made by: Vice Chair Gilkey**

**Seconded by: Member Fuerst**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

**5/13/19 Motion to delete second section regarding mitigation with Preferred Trees made by: Member Fuerst**

**Seconded by: Member Patton**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

**Motion No. 10**

**3/20/19 Motion to adopt a new grand tree definition made by: Member Fuerst**

**Seconded by: Member Patten**

**Motion passed: 3-1**

**In favor: Vice Chair Gilkey, Member Fuerst, Member Patten**

**Opposed: Member Gallagher**

**Motion No. 11**

**1/16/19 Motion made by: Member Fuerst**

**Seconded by: Member Patten**

**Motion passed: 4-1**

In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten  
Opposed: Member Gallagher

**2/27/19 Motion to provide for multiplier of 1.5 when using a tree from the Trees Eligible for Mitigation Incentives list, except for Cabbage palms made by: Member Fuerst**

**Seconded by: Member Patten**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

**3/20/19 Motion to remove Red Bay from the Trees Eligible for Mitigation Incentives list made by: Member Patten**

**Seconded by: Member Fuerst**

**Motion passed: 4-0**

**In favor: Vice Chair Gilkey, Member Fuerst, Member Patten, Member Gallagher**

**Opposed: none**

Motion No. 12

**2/13/19 Motion to amend fees made by: Member Fuerst**

**Seconded by: Member Falk**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

**2/27/19 Motion to waive fees for relocation of a tree made by: Member Patten**

**Seconded by: Member Fuerst**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

Motion No. 13

**2/27/19 Motion to provide for multiplier of 1.5 DBH towards total mitigation when using a tree from the Trees Eligible for Mitigation Incentives list, except for Cabbage palms made by: Member Fuerst**

**Seconded by: Member Patten**

**Motion passed: 5-1**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Falk**

**Opposed: Member Gallagher**

Motion No. 14

**3/20/19 Motion to remove that trees planted in response to zoning or mitigation requirements are considered to be protected trees by: Member Fuerst**

**Seconded by: Member Patten**

**Motion passed: 3-1**

**In favor: Vice Chair Gilkey, Member Fuerst, Member Patten**

**Opposed: Member Gallagher**

Motion No. 15

**3/20/19 Motion for an 8-foot minimum height requirement for 2" DBH understory trees made by: Member Patten**

**Seconded by: Member Fuerst**

**Motion passed: 3-1**

**In favor: Vice Chair Gilkey, Member Fuerst, Member Patten**

**Opposed: Member Gallagher**

Motion No. 16

**3/20/19 Motion that no root larger than 3" shall be severed without a City Arborist approved management plan made by: Member Patten**

**Seconded by: Member Fuerst**

**Motion passed: 4-0**

**In favor: Vice Chair Gilkey, Member Fuerst, Member Patten, Member Gallagher**

**Opposed: none**

Motion No. 17

**3/20/19 Motion to decline adoption of the canopy tree ordinance and in support of a tree recognition program: Member Fuerst**

**Seconded by: Member Patten**

**Motion passed: 4-0**

**In favor: Vice Chair Gilkey, Member Fuerst, Member Patten, Member Gallagher**

**Opposed: none**

Motion No. 19

**3/27/19 Motion to create a street tree master plan made by: Member Gallagher**

**Seconded by: Member Fuerst**

**Motion passed: 6-0**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Gallagher, Member Falk**

**Opposed: none**

Motion No. 20

**3/27/19 Motion to create an urban forestry program within 2 years made by: Member Patten**

**Seconded by: Member Fuerst**

**Motion passed: 6-0**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Gallagher, Member Falk**  
**Opposed: none**

Motion No. 21

**3/27/19 Motion to fund the urban forestry program and street tree master plan with the 2019-2020 budget made by: Member Fuerst**  
**Seconded by: Member Patten**  
**Motion passed: 6-0**  
**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Gallagher, Member Falk**  
**Opposed: none**

Motion No. 22

**3/27/19 Motion to support the tree planting pilot program by: Member Fuerst**  
**Seconded by: Member Falk**  
**Motion passed: 6-0**  
**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Gallagher, Member Falk**  
**Opposed: none**

Motion No. 23

**3/27/19 Motion to for proposed open space rule made by: Chair Halflants**  
**Seconded by: Member Fuerst**  
**Motion passed: 6-0**  
**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Gallagher, Member Falk**  
**Opposed: none**

Motion No. 24

**3/27/19 Motion for an adjustment review process made by: Chair Halflants**  
**Seconded by: Member Fuerst**  
**Motion passed: 6-0**  
**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Gallagher, Member Falk**  
**Opposed: none**

Motion No. 25

**3/27/19 Motion to waive adjustment and variance fees made by: Member Patten**

**Seconded by: Vice Chair Gilkey**

**Motion passed: 6-0**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, Member Gallagher, Member Falk**

**Opposed: none**

Motion No. 26:

**9/11/19 Motion to change the required mitigation trees for Affordable Housing projects to mirror the other non-affordable housing mitigation requirements and to add a sentence stating that Affordable Housing projects qualify to use the eligible funds under the Fee Resolution.**

**Motion made by: Chair Halflants**

**Motion passed: 5-0**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, and Member Gallagher**

**Opposed: None**

Motion No. 27

**9/11/19 Motion**

**Motion made by: Member Patten**

**Seconded by: Vice Chair Gilkey**

**Motion passed: 5-0**

**In favor: Chair Halflants, Vice Chair Gilkey, Member Fuerst, Member Patten, and Member Gallagher**

**Opposed: None**

## **RESOLUTION NO. 017R-2649**

**RESOLUTION NO. 017R-2649**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA CREATING AN AD HOC TREE ADVISORY COMMITTEE TO REVIEW OPTIONS FOR AMENDMENTS TO THE CITY OF SARASOTA TREE PROTECTION ORDINANCE; PROVIDING REQUIREMENTS FOR MEMBERSHIP ON THE COMMITTEE; STATING SPECIFIC ISSUES TO BE CONSIDERED BY THE COMMITTEE; PROVIDING FOR THE READING OF THIS RESOLUTION BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, at its regular meeting of June 5, 2017, following discussion on proposed Zoning Text Amendment Application 17-ZTA-02, the City Commission passed a motion to appoint an ad hoc committee to make recommendations to the City Commission regarding the City's Tree Protection Ordinance (Article VII, Division 3.1 of the Zoning Code); and,

WHEREAS, the City Charter provides that the City Commission shall create and establish temporary committees (as distinguished from permanent advisory boards) by the adoption of a Resolution; and,

WHEREAS, at its regular meeting of June 19, 2017, the City Commission considered a memorandum from the City Attorney dated June 9, 2017 concerning questions to be considered incident to the adoption of a Resolution creating the Tree Advisory Committee and referred the matter to staff to make recommendations; and,

WHEREAS, at its regular meeting of July 3, 2017, the City Commission considered a memorandum from the Director of Development Services dated June 20, 2017 entitled "Staff recommendation related to establishment of an ad hoc Tree Advisory Committee"; and,

WHEREAS, the City Commission adopted a motion to follow the staff recommendations outlined in the June 20, 2017 memorandum from the Director of Development Services and directed that those recommendations be incorporated into the text of the Resolution establishing such Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA:

**Section 1. Creation of Advisory Committee:** The City Commission hereby creates an ad hoc special purpose advisory committee to be known and referred to as the Tree Advisory Committee. The Committee shall consist of seven (7) members to be appointed by the City Commission.

**Section 2. Membership:** The members of the Committee shall be appointed by majority vote of the City Commission from the below listed "communities of interest" or categories as follows:

- (1) Two (2) neighborhood representatives
- (2) Two (2) development interest representatives
- (3) One (1) downtown core resident
- (4) One (1) Chamber of Commerce representative or downtown core merchant
- (5) One (1) landscape architect or arborist

At its first meeting, the committee shall select a Chairperson and a Vice Chairperson from among its members.

**Section 3. Duties:** The Tree Advisory Committee shall focus on making recommendations to the City Commission regarding each of the enumerated issues in this section below and shall provide its recommendations to the City Commission with regard to each of the following specific issues set out below:

1. How to best address the issue of City residents who would like to remove a healthy tree in order to re-landscape their privately-owned properties.
2. How to best address the issue of unsafe conditions caused by healthy trees on public property. (e.g. roots lifting sidewalks) The enumeration of this task among the

Committee's duties shall not be construed to restrict or limit the authority of the City administration to remove trees on public property that are the cause of hazardous or dangerous conditions on public rights of way or to otherwise eliminate or improve unsafe conditions on public property resulting from the presence of trees during the time that the Committee is active.

3. How to best address the issue of healthy trees on public property that cause damage to public infrastructure (e.g. utilities) or that impair or reduce the rights of private property owners to the use and enjoyment of their properties. (e.g. views)

4. Should the same criteria be applied to determine whether to issue a permit to remove a tree classified as a Class II invasive species as is applied to determine whether to issue a permit to remove a native tree?

5. Should the current "sliding scale" mitigation standards for tree removal be revised, and if so, how?

6. Are the current fees charged for tree removal and for mitigation of removed trees fair and reasonable? Should there be a differentiation between such charges that are imposed on homeowners of residential properties and on owner/developers of commercial projects?

7. Review proposed canopy tree ordinance and provide comments or recommendations regarding the proposed ordinance.

8. In addition to items 1 through 7 above, the Committee shall be further authorized to make other recommendations regarding potential amendments to the City's Tree Protection Ordinance (Article VII, Division 3.1 of the Zoning Code) as the majority of its members deem appropriate.

**Section 4. Meetings:** All meetings of the Committee shall be noticed to the public and advertised in advance and shall be open to attendance by the public. All meetings of the Committee shall be held at City Hall. Written minutes shall be kept of all meetings of the Committee. The Committee shall meet on such dates and times as determined by majority vote of its members. The Committee shall meet no more than twice each calendar month. The duration of each meeting shall not exceed two (2) hours. The Committee shall be authorized to receive public input at its meetings. A quorum of four (4) members shall be required for the Committee to conduct its business.

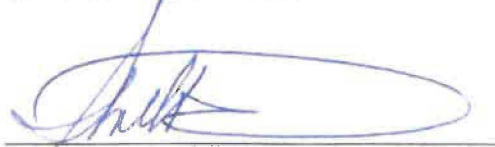
**Section 5. Staff Assistance:** The City Manager shall designate a staff liaison to the Committee.

**Section 6. Duration of Committee:** The Committee shall make its recommendations to the City Commission no later than one year from the date of its first meeting.

**Section 7.** This Resolution shall take effect immediately upon its adoption.

ADOPTED by the City Commission of the City of Sarasota, Florida upon reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to adoption, as authorized by Article IV, Section 2 of the Charter of the City of Sarasota this 21st day of August 2017.

CITY OF SARASOTA

A handwritten signature in blue ink, appearing to read 'Shelli', is written over a horizontal line.

Shelli Freeland Eddie, Mayor

Attest:

  
Pamela M. Nadami, CMC, MBA  
City Auditor & Clerk  


<u>Yes</u>	Mayor Freeland Eddie
<u>Yes</u>	Vice Mayor Alpert
<u>Yes</u>	Commissioner Ahearn-Koch
<u>Yes</u>	Commissioner Brody
<u>Yes</u>	Commissioner Shaw

**CITY COMMISSION MINUTES EXCERPT  
FROM JULY 1, 2019**

law, through the Collective Bargaining Agreement; that there are new positions proposed for police in the Fiscal Year Budget 2019/2020; however, in terms of Police Officers per capita, the City is one of, if not the most, highly staffed police agencies in the State of Florida.

2:05:56 P.M.

Mayor Alpert requested the Deputy City Manager to address the pesticide issue.

2:06:09 P.M.

Deputy City Manager Marlon Brown, City Manager's Office, came before the Commission and stated that a white paper will be presented to the Commission at the September 02, 2019, Regular Sarasota City Commission Meeting, which will address why and what the City uses and the requirements for the use of glyphosate; that an Administrative decision will be made as to whether to continue the use of glyphosate or use another product.

2:06:54 P.M.

3. **APPROVAL OF THE MINUTES (AGENDA ITEM II-1)**

2:07:10 P.M.

A motion was made by Vice Mayor Ahearn-Koch, seconded by Commissioner Shaw to approve the minutes of the June 03, 2019, Regular Sarasota City Commission Meeting, with non-substantive corrections, which carried by a 5-0 vote.

2:07:23 P.M.

4. **BOARD ACTIONS (AGENDA ITEM III)**

1) **DIRECTION RE: REPORT OF THE TREE ADVISORY COMMITTEE'S REGULAR MEETING OF MAY 13, 2019 (AGENDA ITEM III-1)**

2:07:35 P.M.

Mayor Alpert sought and received Commission consensus to allow Citizens' Input first and reminded those wishing to speak about the Pledge of Public Conduct and read the Pledge of Public Conduct into the record.

2:08:44 P.M.

Citizens' Input received.

2:31:57 P.M.

Director Timothy "Tim" Litchet, Development Services, Michael Halfants, Chair, Michael Gilkey, Jr., Vice Chair, Tree Advisory Committee (TAC), and Assistant City Attorney Joe Mladinich, City Attorney's Office, came before the Commission.

2:31:59 P.M.

Mr. Litchet thanked the TAC and former members for their hard work and stated that Staff worked closely with the TAC and their determinations are favored; that additional public input will be afforded when Staff moves forward with Zoning Text Amendments (ZTA), which will be required to implement.

2:34:28 P.M.

Mr. Halfants provided a brief overview of the eight issues to be examined by the TAC, as directed by the Commission along with the recommended motions pertaining to each, and referred to a PowerPoint presentation displayed on the Chamber monitors entitled "Tree Advisory Committee Recommendation on 8 Issues, presented by Motion."

2:43:23 P.M.

Mr. Gilkey provided a brief overview of the current Code versus the newly proposed recommendation regarding tree removal and referred to a PowerPoint slide displayed on the Chamber monitors entitled "Motion No. 1: Landscaping Existing Qualifying Residences (Motion No. 1)."

2:45:34 P.M.

In response to a question from Commissioner Freeland Eddie asking who determines if a site is deemed as having too much canopy, over density, mitigation would not be required on the site, Mr. Gilkey stated that the determination is made by the City Arborist.

2:46:13 P.M.

Mr. Halfants stated that out of all the proposed motions, Motion No. 1 would require more clarification since the belief is the intent exists; however, the definition of what is over density should be put in place.

2:46:58 P.M.

In response to a comment and question from Mayor Alpert that Motion No. 1 needs clarification and asked if Staff could forward the other Motions and bring back Motion No.1, Mr. Litchet stated that Staff can bring back Motion No. 1.

2:54:13 P.M.

In response to a comment and question from Commissioner Freeland Eddie with regards to Florida House Bill (HB) 1159 – Private Property Rights, asking if it is the law now since these effect somethings which are being recommended, Assistant City Attorney Mladinich stated yes; that HB 1159 was signed by the Governor.

2:57:58 P.M.

In response to a comment and request from Mayor Alpert that the reasoning for presenting this item at a Regular City Commission Meeting for discussion versus at a Workshop, is unknown, especially as related to time, and requested the Commission to address questions after the presentation and proposed criteria of the Motions, and City Manager Barwin suggested the Commission accept the Report of the Tree Advisory Committee's Regular Meeting of May 13, 2019, and perhaps adopt all of the recommendations, unless the Commission would like to pull one or two of the Motions which may require extra supplemental descriptive; that all of the proposed Motions will be reviewed by Staff.

2:58:55 P.M.

City Attorney Fournier stated that this is a commencement and not the conclusion.

2:59:54 P.M.

Commissioner Freeland Eddie stated that she has some substantive problems with regards to things which are not present.

3:04:27 P.M.

Mayor Alpert stated the Commission could adopt the plan in order to move forward since the item would come back before the Commission to address concerns, and the proposed Motions could be revised, reviewed, and discussed further at that time.

3:07:02 P.M.

Mr. Litchet stated that currently the cost is \$40 per inch for regular development which is paid into the Tree Mitigation Fund for four to 12 inches, and \$5 per inch for affordable housing development; however, the sliding scale has lessened dramatically; that as related to the Tree Mitigation Fund there is a certain sense that a portion of the money set aside for affordable housing projects can be applied for and would go towards helping to plant mitigation trees, which can be reviewed further; however, the City currently has some good provisions in the Code which can also be reviewed further; however, the TAC did not make any changes to those provisions, and Staff respects and encourages affordable housing.

3:10:12 P.M.

Commissioner Brody thanked the TAC and Staff for their work and stated that the concerns raised are shared, and asked if the TAC would have preferred to have an opportunity to go back and discuss or revisit the proposed Motions as the result of Florida HB 1159, Mr. Gilkey stated that as related to the rating system, the TAC added a couple of other tree species to the Grand Tree list for diversity, along with adding the categories: Good, Moderate, and Poor; that if a Grand Tree met the Poor rating within the program, then the tree was no longer considered a Grand Tree.

3:18:50 P.M.

Commissioner Brody stated that accepting the report as a working document is favored.

3:20:38 P.M.

Assistant City Attorney Mladinich stated that the City has to comply with State Law.

3:24:24 P.M.

Vice Mayor Ahearn-Koch stated that the work is appreciated; that Motion 18(h) - Increasing property values through the use of trees as a capital asset is favored, along with Motion 10 – Suitable Rating: (Good, Moderate, and Poor).

3:26:25 P.M.

Mr. Litchet provided the Commission with a suggestion for making a motion.

3:26:45 P.M.

A motion was made by Commissioner Brody, seconded by Commissioner Freeland Eddie, and carried by a 5-0 vote to authorize the Tree Advisory Committee (TAC) to schedule one or possibly two more meetings, as needed to discuss the State Law changes as related to Florida House Bill (HB) 1159 – Private Property Rights, and to include concerns addressed by the Commission at

today's meeting, along with any concerns the Commission provides to the TAC within the next six weeks.

3:27:05 P.M.

Mr. Litchet provided the Commission with a suggestion for making a second motion.

3:27:25 P.M.

A motion was made by Commissioner Brody, seconded by Vice Mayor Ahearn-Koch, and carried 5-0 vote for Staff to place an item on a future Regular Sarasota City Commission Meeting, to receive presentations on the Urban Forestry Program and Street Tree Master Plan, and to include items discussed today and financing details.

3:27:32 P.M.

Mr. Litchet provided the Commission with a suggestion for making a third motion.

A motion was made by Commissioner Freeland Eddie, seconded by Commissioner Shaw, and carried 5-0 vote for Staff to work with the City Attorney's Office for drafting a proposed Ordinance which is to be brought back before the Commission for review prior to moving forward with the Zoning Text Amendment process.

3:28:03 P.M.

In response to a question from Mr. Litchet asking if the Commission wanted Staff and the TAC to move forward with working with Lou Costa on the Tree Planting Pilot Program – Revision No. 13, which the TAC supports, Commissioner Brody stated that he would like to see the program move forward.

3:28:59 P.M.

A motion was made by Commissioner Brody, and seconded by Vice Mayor Ahearn-Koch to direct Staff and the Tree Advisory Committee (TAC) to work with Lou Costa on the Tree Planting Pilot Program – Revision No. 13.

3:29:04 P.M.

In response to a question from Commissioner Freeland Eddie asking if the motion is for authorization to bring back specifics or for authorization to move forward, Mr. Litchet stated that the motion is for authorization to move forward with Mr. Costa's Tree Planting Pilot Program – Revision No. 13.

3:30:51 P.M.

In response to a request from Commissioner Freeland Eddie for Staff to explain why assistance is being sought outside from Mr. Costa versus in-house Staff, Mr. Gilkey, Jr. stated that the intent was for Mr. Costa to access and ensure the program works before handing the program over to Staff, and Mr. Litchet stated that discussion has not taken place internally for overseeing such a program.

3:31:33 P.M.

Interim City Auditor and Clerk Griggs requested the motion be restated for clarification.

3:31:36 P.M.

Commissioner Brody restated the motion for clarification.

3:32:08 P.M.

In response to a question from Commissioner Freeland Eddie asking the timeframe of the proposed budget numbers returning back before the Commission.

3:32:09 P.M.

Deputy City Manager Marlon Brown, City Manager's Office, came before the Commission and stated that Staff can bring back the budget numbers either at the August 19, 2019, Regular Sarasota City Commission Meeting, or at one of the September 2019, Regular Sarasota City Commission Meetings; however, money is in the Capital Improvement Program and Staff will have to have a budget amendment for drawing the money out and a Resolution adopted for implementing the Tree Planting Pilot Program.

3: 32:43 P.M.

Mayor Alpert called for a vote on the motion to direct Staff and the Tree Advisory Committee (TAC) to work with Lou Costa on the Tree Planting Pilot Program – Revision No. 13, which carried by a 5-0 vote.

3:32:51 P.M.

Vice Mayor Ahearn-Koch requested the City and Deputy City Managers to allot for two to three hours for discussion.

3:33:05 P.M.

Commissioner Freeland Eddie stated that a Workshop should be scheduled, and Mayor Alpert agreed and stated that the item should not be scheduled on the Agenda of a Regular Sarasota City Commission Meeting.

3:33:17 P.M.

City Manager Barwin stated that perhaps a Special Sarasota City Commission Meeting could be scheduled, and Deputy City Manager Brown stated that the Commission could take action at a Special Sarasota City Commission Meeting.

The Commission recessed at 3:33 P.M. and reconvened at 3:45 P.M.

2) **APPROVAL RE: REPORT OF THE PLANNING BOARD'S LOCAL PLANNING AGENCY  
REGULAR MEETING OF MAY 8, 2019 (AGENDA ITEM III-2)**

3:45:45 P.M.

Director Steven Cover, Planning Department, and Eileen Normile, Chair, Planning Board/Local Planning (PBLP) Agency, came before the Commission.

3:45:50 P.M.

Ms. Normile sought Commission consensus for the remainder of the PBLP Board members to come before the Commission.

**CITY COMMISSION MINUTES EXCERPT  
FROM DECEMBER 2, 2019**

Code; that the Purchasing General Manager meeting with each of the Commissioners to discuss is known and he and the Purchasing General Manager has made a few changes which are not significant enough to bring attention to the Commission today; that the belief is proposed Ordinance No. 19-5304 is ready to be scheduled for a Public Hearing.

3:50:05 P.M.

Purchasing General Manager David Boswell, Purchasing Division, came before the Commission and confirmed meeting with each Commissioner individually to provide the highlights and a detailed explanation of proposed Ordinance No. 19-5304.

3:50:42 P.M.

A motion was made by Commissioner Shaw, seconded by Commissioner Alpert to set proposed Ordinance No. 19-5304 for Public Hearing, which carried by a 5-0 vote.

3:51:01 P.M.

- 4) **DIRECTION RE: PROPOSED ORDINANCE NO. 19-5301, AMENDING THE ZONING CODE (2002 EDITION) OF THE CITY OF SARASOTA BY AMENDING ARTICLE II, DEFINITIONS AND RULES OF CONSTRUCTION, DIVISION 2, SECTION II-201, DEFINITIONS; ARTICLE IV, DEVELOPMENT REVIEW PROCEDURES, DIVISION 6, SECTIONS IV-601 AND IV-606; ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY, DIVISION 3.1. TREE PROTECTION, SECTIONS 309 THROUGH 328, AND ADDING NEW SECTIONS 329 THROUGH 332; PROVIDING FOR SEVERABILITY, ETC. (TITLE ONLY) (AGENDA ITEM VI-4)**

3:51:06 P.M.

Director Timothy "Tim" Litchet, Development Services Department and Assistant City Attorney Joe Mladinich, City Attorney's Office, came before the Commission.

3:51:38 P.M.

Mr. Litchet stated that the item was presented before the Commission at July 01, 2019, Regular Sarasota City Commission Meeting and at that time the Tree Advisory Committee held 24 meetings between December 06, 2017, and May 13, 2019, on the proposals; that Staff presented proposed motions for Commission consideration and the Commission voted on the following four:

1. Authorize the Tree Advisory Committee (TAC) to schedule one or possibly two more meetings, as needed to discuss the State Law changes as related to Florida House Bill (HB) 1159 – Private Property Rights, and to include concerns addressed by the Commission at today's meeting, along with any concerns the Commission provides to the TAC within the next six weeks.
2. Place an item on a future Regular Sarasota City Commission Meeting Agenda, to receive presentations on the Urban Forestry Program and Street Tree Master Plan, and to include items discussed today and financing details.
3. Direct Staff to work with the City Attorney's Office for drafting a proposed Ordinance which is to be brought back before the Commission for review prior to moving forward with the Zoning Text Amendment (ZTA) process.
4. Direct Staff and the Tree Advisory Committee (TAC) to work with Lou Costa on the Tree Planting Pilot Program – Revision No. 13.

3:53:12 P.M.

Mr. Litchet continued and briefly provided the Commission with a brief overview of the TAC Recommendations 1 through 10 included in the Agenda backup material.

4:00:04 P.M.

A motion was made by Commissioner Alpert, seconded by Vice Mayor Freeland Eddie to transmit proposed Ordinance No. 19-5301 to the Planning Board/Local Planning (PBLP) Agency, utilizing the standard Zoning Text Amendment (ZTA) process, which carried by a 5-0 vote.

4:00:58 P.M.

Mayor Ahearn-Koch thanked the TAC and others for their hard work and stated that this is a big step in the right direction.

4:01:23 P.M.

City Manager Barwin stated that this is Mr. Litchet's last presentation before the Commission since he will be retiring after 32 years of service to the City.

4:02:32 P.M.

**5) DIRECTION RE: RIGHT-OF-WAY FEE WAIVERS (AGENDA ITEM VI-5)**

4:02:52 P.M.

City Engineer Alexandria "Alex" DavisShaw, Engineering, Public Works Department, came before the Commission, provided a brief historical overview of the proposed implementation of Right-of-Way (ROW) Fee Waivers and stated that Staff is seeking additional Commission discussion as related to the following proposed recommendations:

1. Do not grant a complete ROW Fee Waiver
2. Implement the development of a schedule prior to closures which must be adhered to and signed-off by Staff
3. ROW Fee will go back up if the schedule is exceeded
4. Decide whether or not to receive input from surrounding properties who believe that the closure(s) is not of significance and may cause issues prior to offering a ROW Fee Waiver

4:05:29 P.M.

Ms. DavisShaw continued that she was informed by the City Attorney that ROW Fee Waivers must be made available to anyone, which will be processed as outlined in a proposed Ordinance.

4:05:51 P.M.

City Attorney Fournier stated that as mentioned by the City Engineer, a prior Ordinance allowing for a ROW Fee Waiver existed; however, should the Commission move forward with this proposal, then the belief is a Code provision should be provided which would indicate whether the ROW Fee Waiver would be approved at the discretion of the City Manager or by standard criteria.

4:07:30 P.M.

Ms. DavisShaw left the Dias.

4:07:57 P.M.

Citizens' Input received.

**PLANNING BOARD MINUTES EXCERPT  
FROM DECEMBER 9, 2020**

CITY OF SARASOTA  
**EXCERPT OF THE DECEMBER 9, 2020 MINUTES OF THE  
REGULAR MEETING OF THE PLANNING BOARD/LOCAL PLANNING AGENCY**

*Note: The City's Website address is [sarasotafl.gov](http://sarasotafl.gov). Select "Video on Demand" from the Main Web Page to view agendas, videos of meetings, and minutes.*

### **III. LAND USE ADMINISTRATION PUBLIC HEARINGS**

**NOTICE TO THE PUBLIC:** At this time anyone wishing to speak at the following public hearings will be required to take an oath. (Time limitations will be established by the Planning Board.)

#### ***B. Legislative Public Hearings***

1. **Zoning Text Amendment Application No. 20-ZTA-07:** An Ordinance of the City of Sarasota, Florida amending the Zoning Code (2002 Edition) of the City of Sarasota by amending Article II, Definitions and Rules of Construction, Division 2, Section II-201, Definitions; Article IV, Development Review Procedures, Division 6, Sections IV-601 and IV-606; Article VII, Regulations of General Applicability, Division 3.1, Tree Protection, Sections 309 through 328, and adding new Sections 329 through 332; providing for severability, providing for reading by title only; and providing for an effective date.  
**(Gretchen M. Schneider, General Manager, Development Services)**

PB Chair Blumetti opened the public hearing.

Assistant City Attorney Mladinich introduced himself; Gretchen Schneider, General Manager, Development Services Department; Mark Miller, Senior Arborist, Development Services Department; Donald Ullom, Arborist, Development Services Department; Michael Halflants, Chair of the Tree Advisory Committee; Michael Gilkey, Vice Chair of the Tree Advisory Committee; and Mary Furst, Tree Committee member for the record.

Attorney Mladinich discussed the history of the Tree Advisory Committee (TAC); stated two main themes came out of the discussions during the TAC meetings, a lack of flexibility and intelligent planting (the need for an emphasis to be placed on placing the right tree in the right location); discussed the proposed revisions to the Tree Protection Ordinance relating to the tree replacement criteria (reducing the minimum replacement size); noted mitigation requirements had been increased to an aggregate inch for inch total replacement size; said a fee can be paid into the Tree Replacement Fund in lieu of planting mitigation trees; and pointed out that single-family homeowners are provided more flexibility when redoing their landscaping; discussed the proposed revisions relating to intelligent planning noting if the right tree is not planted in the right location the tree will not count as a replacement tree; noted an incentive category has been created that allows for 50% bonus points towards mitigation; and pointed out an undesirable tree category has also been established that allows for an undesirable tree to be removed without any required mitigation while prohibiting an undesirable tree from being used as a replacement tree.

General Manager Schneider discussed the staff recommended changes that were sent the evening before noting those recommendations are proposed enhancements to the

TAC recommendations; and pointed out staff recommendation number six is no longer applicable because the issue is addressed by State Statutes.

PB Chair Blumetti invited Mr. Halfants, Chair of the TAC, and Mr. Gilkey, Vice Chair of the TAC to the table to assist with answering questions.

2:07:54 P.M.

PB Member Morriss requested clarification regarding the provision for relief from sign regulations and questioned how the residential re-landscaping provisions would be implemented and monitored. Attorney Mladinich and General Manager Schneider responded stating the relief from the sign regulations allows for the Board of Adjustment to grant a variance to sign regulations in order to save a tree; said the intent of the re-landscaping provisions is to allow for flexibility for single family homeowners; noted tree mitigation requirements are still applicable and 25% is the maximum decrease in the canopy allowed; and stated specific procedures for permitting and implementing the provisions will be developed once the revisions to the tree ordinance are approved.

PB Vice Chair Ohlrich commended the TAC and staff for their work; questioned how the proposed changes fit with the new Chapter 5 of the Engineering Design Criteria Manual (EDCM); questioned the use of “can” versus “shall” in the ordinance; and noted a discrepancy in staff’s reference to a section in the Code in their recommendation number eight. General Manager Schneider pointed out the new Chapter 5 of the EDCM addresses trees in the right-of-way; and noted the Code reference discrepancy was a typo. Attorney Mladinich agreed the term “can” should be replaced with “shall”.

PB Member Gannon commended the TAC and staff for their efforts; questioned why Objective #6 from the Environmental Protection and Coastal Islands Chapter of the Comprehensive Plan was not included in the background information; recommended the word “more” be added before the word “trees” in item (2) on page 11 of the staff report; recommended “Preserve the tree canopy” as number one on the list of purposes on page 12; questioned why the Director of Public Works rather than the Arborist approves replacement trees in the right-of-way; recommended “at maturity” be added after “10 feet in height” to staff’s proposed definition of canopy tree; pointed out the word “or” after “upon a finding by City Arborist” in staff recommendation number 7 needs to be eliminated; and suggested developers would only use the trees on the incentive list.

Mr. Gilkey stated “preserve tree canopy” was not on the list of purposes because the intent is the promotion of a healthy, diverse canopy. Mr. Halfants noted the focus is on incentivizing planting versus preserving in order to maintain a larger canopy. General Manager Schneider pointed out the Public Works Department has arborists on staff and noted City Departments coordinate with each other; Senior Arborist Miller agreed “at maturity” should be added after “10 feet in height” to staff’s proposed definition of canopy tree; and General Manager Schneider noted the word “or” after “upon a finding by City Arborist” in staff recommendation number 7 was a typo. Discussion ensued regarding the list of incentive trees versus allowable trees.

PB Member Salem had no questions.

PB Chair Blumetti questioned what the cost per inch is if paying into the tree mitigation fund; questioned what recourse there is if a tree extends over the sidewalk and if bushes were included in that requirement; questioned if the trees on the incentive list were the only ones that will be protected during construction; and stated he felt the requirements related to the removal of specimen trees on residential properties was too rigid.

General Manager Schneider stated the costs are included in the fee resolution, noting staff recommended some changes to the fees. Mr. Halflants pointed out the cost for new development is proposed to be increased from \$40 to \$125 per one inch dbh and the cost for a grand tree (or specimen tree) is proposed to be increased from \$70 to \$300 per one inch dbh. General Manager Schneider confirmed bushes as well as trees cannot extend over the sidewalk not stated if a violation occurs Code Enforcement staff educates the offender and if the situation is not corrected in a timely manner a citation is issued. Attorney Mladinich stated all trees on the list of protected trees are protected during construction, not just the trees on the incentive list. Discussion ensued regarding what trees should be on the incentive list. Mr. Halflants stated specimen trees on residential properties can be removed without paying into the tree fund if they are in poor condition; noted the definition had been expanded to be more flexible; and pointed out the need for flexibility given the applicable State Statutes that allows for the removal could be used as justification otherwise.

2:53:27 P.M.

***Citizen Input:***

Mr. Phillip Smith, Landscape Architect, appeared and thanked the TAC for their work; stated his objection changing “grand tree” to “specimen tree”; pointed out a homeowner could reduce their canopy in increments of 25% versus just one time based on the proposed language; suggested the definition of canopy tree be reviewed noting the current proposed language allows for a palm tree to qualify; stated the need to add additional species of palms to the protected tree list; and pointed out conflicts between the proposed language in the tree ordinance and language in the Zoning Code regarding landscape buffers.

Ms. Mary Furst signed up to speak but declined when called upon.

Mr. Lou Costa appeared and stated his concerns had been addressed so he supports the proposal; and thanked the TAC.

Mr. Rob Patten appeared and pointed out the process has been on-going for two years; said he felt there was good compromise with added flexibility and certainty; stated the need for a wholistic approach; and stated the importance of implementing the Urban Forest Program that the TAC recommended.

Mr. Jono Miller appeared and thanked the TAC; agrees that other species of palm trees need to be added to the list of protected trees; discussed the benefits of cabbage palms; stated he felt botanical gardens should not be exempt from the permitting requirements;

and suggested the provision that dead trees shall be removed be revisited, noting certain species of birds nest in dead trees.

3:05:08 P.M.

PB Member Morriss questioned what the best approach to making a motion(s) would be given the PB's recommended revisions. Attorney Connolly suggest a recommendation on balance followed by specific recommendations if needed. PB Vice Chair Ohlrich requested staff respond to Mr. Smith's comments regarding conflicts with the Zoning Code. Senior Arborist Miller stated staff was aware of those conflicts and they would be resolved. Discussion ensued regarding the list of proposed revisions the Planning Board recommended for inclusion in the motion. The list of proposed revisions includes: add Objective #6 from the Environmental Protection and Coastal Islands Chapter of the Comprehensive Plan to the background section; change "may" to "shall" in #2 on the top of page 23 of the staff report; correct the Code reference in staff recommendation #4 to VII-316; strike staff recommendation #6; delete the word "or" after "architect or arborist" in staff recommendation #7; change the word "cannot" to "shall not" in staff recommendation #8; strike staff recommendation #11; and add "at maturity" after "10 feet in height" to staff's proposed definition of canopy tree.

Discussion ensued regarding the use of "specimen" tree versus "grand" tree and the requirements for removing a specimen tree if it is in poor condition.

3:15:10 P.M.

PB Chair Blumetti closed the public hearing.

PB Member Gannon made a motion to find 20-ZTA-07, with the edits the Planning Board has recommended, consistent with the Sarasota City Plan (2030) and find that it satisfies the Standards for Review in Zoning Code Section IV-1206 and recommend approval to the City Commission. PB Vice Chair Ohlrich seconded the motion. The motion passed 5/0.

## **HOUSE BILL NO. 1159**

## CHAPTER 2019-155

### Committee Substitute for House Bill No. 1159

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

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

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

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

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

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

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

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

163.3209 Electric transmission and distribution line right-of-way maintenance.—After a right-of-way for any electric transmission or distribution line has been established and constructed, no local government shall require or apply any permits or other approvals or code provisions for or related to vegetation maintenance and tree pruning or trimming within the established right-of-way. The term “vegetation maintenance and tree pruning or trimming” means the mowing of vegetation within the right-of-way, removal of trees or brush within the right-of-way, and selective removal of tree branches that extend within the right-of-way. The provisions of this section do not include the removal of trees outside the right-of-way, which may be allowed in compliance with applicable local ordinances. Prior to conducting scheduled routine vegetation maintenance and tree pruning or trimming

activities within an established right-of-way, the utility shall provide the official designated by the local government with a minimum of 5 business days' advance notice. Such advance notice is not required for vegetation maintenance and tree pruning or trimming required to restore electric service or to avoid an imminent vegetation-caused outage or when performed at the request of the property owner adjacent to the right-of-way, ~~provided that the owner has approval of the local government, if needed.~~ Upon the request of the local government, the electric utility shall meet with the local government to discuss and submit the utility's vegetation maintenance plan, including the utility's trimming specifications and maintenance practices. Vegetation maintenance and tree pruning or trimming conducted by utilities shall conform to ANSI A300 (Part I)—2001 pruning standards and ANSI Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements. Vegetation maintenance and tree pruning or trimming conducted by utilities must be supervised by qualified electric utility personnel or licensed contractors trained to conduct vegetation maintenance and tree trimming or pruning consistent with this section or by Certified Arborists certified by the Certification Program of the International Society of Arboriculture. A local government shall not adopt an ordinance or land development regulation that requires the planting of a tree or other vegetation that will achieve a height greater than 14 feet in an established electric utility right-of-way or intrude from the side closer than the clearance distance specified in Table 2 of ANSI Z133.1-2000 for lines affected by the North American Electric Reliability Council Standard, FAC 003.1 requirement R1.2. This section does not supersede or nullify the terms of specific franchise agreements between an electric utility and a local government and shall not be construed to limit a local government's franchising authority. This section does not supersede 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. This section shall not apply if a local government develops, with input from the utility, and the local government adopts, a written plan specifically for vegetation maintenance, tree pruning, tree removal, and tree trimming by the utility within the local government's established rights-of-way and the plan is not inconsistent with the minimum requirements of the National Electrical Safety Code as adopted by the Public Service Commission; provided, however, such a plan shall not require the planting of a tree or other vegetation that will achieve a height greater than 14 feet in an established electric right-of-way. Vegetation maintenance costs shall be considered recoverable costs.

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

70.002 Property Owner Bill of Rights.—Each county property appraiser office shall provide on its website a Property Owner Bill of Rights. The purpose of the bill of rights is to identify certain existing rights afforded to property owners but is not a comprehensive guide. The Property Owner Bill

of Rights does not create a civil cause of action. The Property Owner Bill of Rights must state:

PROPERTY OWNER  
BILL OF RIGHTS

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

1. The right to acquire, possess, and protect your property.
2. The right to use and enjoy your property.
3. The right to exclude others from your property.
4. The right to dispose of your property.
5. The right to due process.
6. The right to just compensation for property taken for a public purpose.
7. 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.

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

Approved by the Governor June 26, 2019.

Filed in Office Secretary of State June 26, 2019.