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AGENDA ITEM SUMMARY

MEETING DATE: February 16, 2021

AGENDA ITEM NO.: 6-A

FOR:

City of Weston Indian Trace Development District Bonaventure Development District

TITLE:

A Resolution of the City Commission of the City of Weston, Florida, supporting Senate Bill 596 and House Bill 6023, repealing Section 163.045, Florida Statutes, to protect home rule power, and instead to allow local governments to regulate matters relating to trees located on residential properties.

SUMMARY EXPLANATION & BACKGROUND:

On January 12, 2021, Florida Representative Anna V. Eskamani filed House Bill 6023, seeking to protect home rule powers and repeal a state preemption of local ordinances relating to trees located on residential properties.

On January 13, 2021, Florida Senator Linda Stewart filed companion bill, Senate Bill 596.

Senate Bill 596 and House Bill 6023, if passed, would repeal Section 163.045, Florida Statutes, and would restore the rights of local governments related to pruning, trimming or removal of trees on residential property. Municipalities should continue to have the power to decide what is consistent with the needs of their own communities, and the City Commission supports Senate Bill 596 and House Bill 6023.

REQUESTED ACTION: Approval.

EXHIBITS (LIST): (i) Resolution, (ii) F.S. Section 163.045, (iii) 2021 Florida House Bill 6023, and (iv) Florida Senate Bill 596

PREPARED BY:

Jamie Alan Cole, City Attorney

PETITIONER/REPRESENTATIVE:

Not Applicable

RECOMMENDED FOR CONSIDERATION BY:

Donald P. Decker, City Manager/CEO
 Jamie Alan Cole, City Attorney

FUNDING SOURCE:

Not Applicable

VOTING REQUIRED FOR PASSAGE:

Majority Majority Plus One Unanimous

COMMISSION ACTION:

	M	2	Y	N	
					Approved as presented
Commissioner Mead					Approved as amended
Commissioner Eddy					Approved with conditions
Commissioner Molina-Macfie					Continued to
Commissioner Jaffe					Deferred to
Mayor Brown					To deny

Notes:

**CITY OF WESTON, FLORIDA
RESOLUTION NO. 2021-__**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, SUPPORTING SENATE BILL 596/HOUSE BILL 6023, REPEALING SECTION 163.045, FLORIDA STATUTES, TO PROTECT HOME RULE POWERS, AND INSTEAD TO ALLOW LOCAL GOVERNMENTS TO REGULATE MATTERS RELATING TO TREES LOCATED ON RESIDENTIAL PROPERTIES.

WHEREAS, First, on January 12, 2021, Florida Representative Anna V. Eskamani filed House Bill 6023, seeking to protect home rule powers and repeal a state preemption of local ordinances relating to trees located on residential properties; and

WHEREAS, Second, on January 13, 2021, Florida Senator Linda Stewart filed companion bill, Senate Bill 596; and

WHEREAS, Third, Senate Bill 596 and House Bill 6023, if passed, would repeal Section 163.045, Florida Statutes, and would restore the rights of local governments related to pruning, trimming or removal of trees on residential property; and

WHEREAS, Fourth, under the Florida Constitution and Section 166.021, Florida Statutes, municipalities are given broad home rule powers; and

WHEREAS, Fifth, as part of their home rule powers, municipalities should have the ability to protect their resources; and

WHEREAS, Sixth, municipalities should continue to have the power to decide what is consistent with the needs of their own communities; and

WHEREAS, Seventh, the City Commission supports Senate Bill 596 and House Bill 6023; and

WHEREAS, Eighth, the City Commission believes it is in the best interest of the City to approve this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Weston, Florida:

Section 1: The foregoing recitals contained in the preamble to this Resolution are incorporated by reference herein.

Section 2: The City Commission supports Senate Bill 596 and House Bill 6023.

Section 3: The City Clerk is directed to distribute this Resolution to the Florida Governor, the President of the Florida Senate, the Speaker of the Florida House of Representatives, the Broward County Legislative Delegation, the Florida League of Cities, the Florida Association of Counties, the Florida City County Management Association, the Board of County Commissioners for Broward County, the Broward County League of Cities, and each of the municipalities in Broward County.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, SUPPORTING SENATE BILL 596/HOUSE BILL 6023, REPEALING SECTION 163.045, FLORIDA STATUTES, TO PROTECT HOME RULE POWERS, AND INSTEAD TO ALLOW LOCAL GOVERNMENTS TO REGULATE MATTERS RELATING TO TREES LOCATED ON RESIDENTIAL PROPERTIES.

1 Section 4: The appropriate City officials are authorized to execute all necessary documents and to
2 take any necessary action to effectuate the intent of this Resolution.

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4 Section 5: This Resolution shall take effect upon its adoption.

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6 ADOPTED by the City Commission of the City of Weston, Florida, this 16th day of February 2021.
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11 _____
Margaret Brown, Mayor

12 ATTEST:

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14 _____
15 Patricia A. Bates, City Clerk

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17 Approved as to form and legality
18 for the use of and reliance by the
19 City of Weston only:

20
21 _____
22 Jamie Alan Cole, City Attorney

Roll Call:

Commissioner Mead _____

Commissioner Eddy _____

Commissioner Molina-Macfie _____

Commissioner Jaffe _____

Mayor Brown _____

Select Year: 2020

The 2020 Florida Statutes

[Title XI](#)
COUNTY ORGANIZATION AND INTERGOVERNMENTAL
RELATIONS

[Chapter 163](#)
INTERGOVERNMENTAL
PROGRAMS

[View Entire
Chapter](#)

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](#).

History.—s. 1, ch. 2019-155.

HB 6023

2021

1 A bill to be entitled
2 An act relating to preemption of tree pruning,
3 trimming, and removal; repealing s. 163.045, F.S.,
4 relating to tree pruning, trimming, or removal on
5 residential property; providing an effective date.

6

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

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9 Section 1. Section 163.045, Florida Statutes, is repealed.

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Section 2. This act shall take effect July 1, 2021.

By Senator Stewart

13-00704-21

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A bill to be entitled

An act relating to preemption of tree pruning, trimming, and removal; repealing s. 163.045, F.S., relating to tree pruning, trimming, or removal on residential property; providing an effective date.

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

Section 1. Section 163.045, Florida Statutes, is repealed.

Section 2. This act shall take effect July 1, 2021.