

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2017-342

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, DIRECTING THE CITY'S ADMINISTRATION TO MAKE OPPOSITION OF SENATE BILL 574 PART OF THE CITY'S LEGISLATIVE AGENDA AND URGING THE FLORIDA HOUSE OF REPRESENTATIVES AND SENATE NOT TO ADOPT SENATE BILL 574 OR SIMILAR LEGISLATION.

WHEREAS, on October 20, 2017 Senator Greg Steube (R, Parts of Sarasota and Charlotte Counties) introduced Senate Bill 574- Tree and Timber Trimming, Removal, and Harvesting; and

WHEREAS, the full title of Senate Bill 574 is “ An act relating to tree and timber trimming, removal, and harvesting; creating s. 5389.37, F.S.; preempting to the state the regulation of the trimming, removal, or harvesting of trees and timber on private property; prohibiting certain local governmental actions relating to the trimming or removal of trees or timber; prohibiting local governments from prohibiting the burial of vegetative debris on certain properties; providing an effective date” and

WHEREAS, the text of Senate Bill 574 purports to expressly preempt all regulation of trimming, removal, or harvesting of trees and timber on private property to the state and prohibits a municipality, county, or other political subdivision from prohibiting or restricting a private landowner from trimming, removing, or harvesting trees or timber located on the landowner's private party, and prohibits a municipality, county or other political subdivision from requiring mitigation, including, but not limited to planting of tress or payment of a fee for the removal of harvesting of tress or timber from private property, and prohibits the burial of trees, shrubs, palmettos, or other vegetative debris on properties larger than 2.5 acres; and

WHEREAS, the protection of Home Rule powers is of utmost importance to the City of Coral Gables as home rule insures the efficacy of local governments in exercising governmental powers to address and protect the health safety and welfare of their residents and address matters of local concern; and

WHEREAS, the City has long established regulations regarding the trimming, removal, and harvesting of trees in the City as the trees located in the City enhance quality of life and serve as an important heritage of the City; and

WHEREAS, the City of Coral Gables directs that opposition to Senate Bill 574 be made part of the City's legislative agenda; and

WHEREAS, the City of Coral Gables urges the Senate not to adopt Senate Bill 574 or similar legislation;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission directs that opposition to Senate Bill 574, or similar legislation in the House of Representatives or Senate be made part of the City's legislative agenda.

SECTION 3. That the City urges the Florida House of Representatives and the Senate not to adopt Senate Bill 574, or companion legislation, as it is unconstitutional and not good public policy.

SECTION 4. That the Coral Gables City Attorney's Office is directed to take appropriate action to protect the City's constitutional home rule powers.

SECTION 5. That the City Clerk is directed to send a certified copy of this resolution to the Florida League of Cities, Miami-Dade County, the City's legislative delegation, and other neighboring municipalities.

SECTION 6. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF NOVEMBER, A.D., 2017.

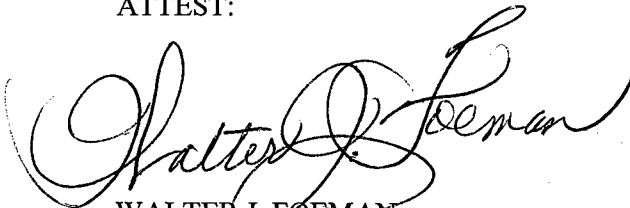
(Moved: Quesada / Seconded: Mena)

(Yeas: Quesada, Keon, Lago, Quesada, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item; K-4)

ATTEST:

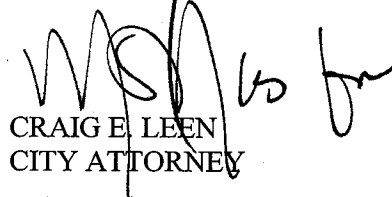

WALTER J. FOEMAN
CITY CLERK

APPROVED:



RAÚL VALDÉS-FAUL
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY