



Broward County

Legislation Details (With Text)

File #: 22-1466 **Version:** 1

Status: Agenda Ready

In control: County Attorney

On agenda: 9/20/2022 **Final action:** 9/20/2022

Title: MOTION TO DIRECT Office of the County Attorney to draft an Ordinance amending Chapter 27, Article XIV, Tree Preservation and Abuse, of the Broward County Code of Ordinances (“Code”) for consistency with Chapter 2022-121, Laws of Florida, regarding private property rights to prune, trim, and remove trees; to update the Article’s documents incorporated by reference; to update citations to the Code; and to update provisions regarding nuisance trees and the tree species recommended for canopy replacement.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO DIRECT Office of the County Attorney to draft an Ordinance amending Chapter 27, Article XIV, Tree Preservation and Abuse, of the Broward County Code of Ordinances (“Code”) for consistency with Chapter 2022-121, Laws of Florida, regarding private property rights to prune, trim, and remove trees; to update the Article’s documents incorporated by reference; to update citations to the Code; and to update provisions regarding nuisance trees and the tree species recommended for canopy replacement.

Why Action is Necessary

Board direction is required for the Office of the County Attorney to draft an Ordinance amending the Broward County Code of Ordinances.

What Action Accomplishes

Provides the required direction to the Office of the County Attorney.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

THE RESILIENT ENVIRONMENT DEPARTMENT, ENVIRONMENTAL PERMITTING DIVISION, RECOMMENDS APPROVAL OF THE ABOVE MOTION.

On May 18, 2022, the Florida Governor approved and filed with the Office of the Secretary of State Chapter 2022-121, Laws of Florida, amending Section 163.045, Florida Statutes. The amendments update a limitation on local government authority to regulate the pruning, trimming, or removal of trees by providing definitions of “documentation” and “residential property” and requiring that tree risk assessment procedures be utilized to determine if “a tree poses an unacceptable risk to persons or property,” replacing the Statute’s “danger to persons or property” standard.

Section 27-406 of the Broward County Code of Ordinances (“Code”) provides for exemptions from the Tree Preservation and Abuse Ordinance. It was amended on September 9, 2019, in response to the enactment of Section 163.045, Florida Statutes, to add an exemption from the requirement to obtain a Broward County license for pruning, trimming, removal or replanting of, or mitigation for impacts to, trees on residential property if the owner obtains documentation from a certified arborist or Florida licensed landscape architect that a tree posed a danger to persons or property. Based on amendments to Chapter 163.045, Florida Statutes, the Office of the County Attorney will draft a proposed ordinance amending Section 27-406(c) of the Code for consistency with the changes made by Chapter 2022-121, Laws of Florida.

The Environmental Permitting Division has requested that other amendments to the Tree Preservation and Abuse Ordinance also be proposed to update documents incorporated by reference, internal citations to the Code, and provisions regarding nuisance trees and the recommended trees for canopy replacement.

Source of Additional Information

Michael C. Owens, Senior Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

To be determined by the Office of Management and Budget upon presentation of a draft Ordinance.