

Steube files bill to abolish city and county tree protections

By Zac Anderson

Political Editor

Posted Nov 6, 2017 at 4:18 PM

Updated Nov 7, 2017 at 8:18 AM

The Legislature has tried to prevent cities and counties from adopting new regulations governing everything from lawn fertilizer to short-term vacation rentals in recent years.

City and county rules protecting trees are the next battleground in the rolling fight between local governments and the Florida Legislature over local regulations viewed by critics as too onerous.

The Legislature has tried to prevent cities and counties from adopting new regulations governing everything from lawn fertilizer to short-term vacation rentals in recent years. Now state Sen. Greg Steube, R-Sarasota, is taking aim at tree ordinances, saying rules limiting the trimming and removal of trees infringe on property rights.

Steube's bill would prohibit local governments from regulating the "trimming, removal, or harvesting of tree and timber on private property." That would nullify dozens of tree ordinances across the state. Only the state Legislature would be able to regulate trees.

"I think you've seen a lot of instances where local governments are, in my opinion, going way above and beyond what they should be doing," said Steube, who also has been behind the push to limit local regulations of short-term vacation rentals.

The tree bill, SB 574, was inspired by complaints Steube heard from property owners and the building industry, along with his own personal experience.

Steube built a three-car garage with a mother-in-law suite on his 5.3-acre property east of Interstate 75 in unincorporated Sarasota County. The project, completed in May 2014, required clearing roughly an acre of land and cutting down a number of trees.

Steube was surprised to learn he needed a permit to cut down the trees.

"The guy came out and said you have to get a tree permit," Steube said. "I'm like a tree what? You've got to be kidding me right?"

There was no difficulty in obtaining the permit, but Steube still found the county's tree ordinance to be onerous. He was particularly annoyed that he had to pay thousands of dollars to haul the debris away because the county would not allow it be buried onsite. His bill allows onsite burial of such debris on properties that are 2.5 acres or larger.

After his garage project, Steube said he met with every member of the county commission – all of them Republicans – to complain about the ordinance. They listened sympathetically but did not take action, he said.

Steube has heard similar complaints about tree ordinances from other property owners in recent years and

has been approached by people in the development community about tree regulations. One of them was Jon Mast, CEO of the Manatee-Sarasota Building Industry Association.

The city of Sarasota's tree ordinance, revised last year, has been a particular concern for Mast's group.

"I think it's a good bill," Mast said of Steube's legislation. "I know cities and counties are going to cry 'home rule' but there is a lot of overreach, especially in the city of Sarasota, about what you can or cannot do with your own trees on your own property."

The city's tree ordinance requires property owners to get a permit when removing or relocating most trees beyond a certain size. Property owners must meet certain criteria to cut down a tree. Some of the accepted reasons for removing a tree: It is dead, it is threatening a structure, it is preventing development of the property and there are no reasonable alternatives. Larger "grand" trees have more protection. In many cases, when a tree is removed for development purposes there also is a requirement that mandates new trees to be planted or the property owner pay into a "replacement tree fund."

Facing backlash from development interests, the city of Sarasota is taking a fresh look at the tree ordinance. A new committee has been created to revisit the regulations.

City Commissioner Hagen Brody said he wants an ordinance that "strikes a more appropriate balance that protects a homeowner's property rights and also preserves our community's unique natural environment."

But the prospect of the Legislature nullifying local tree regulations and preempting tree oversight to the state is likely to provoke a strong response from local government leaders and environmental groups.

"This is not a one-size-fits-all issue," said City Commissioner Jen Ahearn-Koch, who opposes Steube's bill. "You have to get down to the granular little detail. It's different in every community, every neighborhood, even every street and site."

Ahearn-Koch has spent years working on the city's tree rules. She said the ongoing debate over the regulations is a good thing.

"It shows we're passionate about it," she said. "If anything, it illustrates why it's important these things be handled on the local level."

The Florida Association of Counties and the Florida League of Cities are gearing up to try to defeat the legislation.

After sending out an alert about Steube's bill to her membership, Craig Mosteller with the Florida Association of Counties said she heard a strong response from county leaders about the benefits of tree protection, including preventing flooding on adjacent properties, protecting wildlife and making neighborhoods more attractive.

Steube said he's "sympathetic" to some of the arguments about tree protection, pointing to a scenario "where let's say you're in the city of Sarasota and there's a 500-year-old Banyan tree that's historic."

"I'm open to having a discussion about the best way forward," he added. "Maybe we can balance private property rights with what some of the cities are trying to do."

Staff Writer Zadi Murdock contributed to this report