

# Memorandum



Date: June 15, 2016

MSC

To: Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

Supplement to  
Agenda Item No. 1(G)1

From: Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Social Equity Statement for Ordinance Amending Chapter 11D of the Code Related to  
Removal of Diseased Trees and Enforcement of Notice to Property Owners to Remove  
Diseased Trees

The proposed ordinance modifies Chapter 11D of the County Code to, among other things:

- Broaden the applicability to all species of diseased trees as opposed to just palm trees upon declaring a specified named disease a public nuisance by the Board of County Commissioners (Board) through ordinance;
- Redefine the declaration of public nuisance to include trees that are dead, those beyond treatment and continue to be infectious, or act as hosts for disease vectors;
- Replace the Director of the Parks, Recreation and Open Spaces Department with the County Mayor or County Mayor's designee as the individual responsible for notifying the record owner of an offending property;
- Clarify that the notice shall be served to an owner based on the property records of the Property Appraiser, not the Tax Collector;
- Set the notice requirements, procedures, and authorize the County Mayor the County Mayor's designee to seek injunctive or other judicial relief to enforce removal;
- Authorize the judicial imposition of a civil penalty of no more than \$10,000.00 per tree to be paid by the owner, in addition to any expenses incurred by the County that may be subject to a special assessment lien with interest if not paid within 30 days; and
- Allow the revenues from civil penalties imposed by judicial proceedings to be used to assist in the removal of diseased trees on properties complying with these regulations.

Furthermore, through this proposed ordinance, the Board is declaring laurel wilt and lethal yellowing as public nuisances.

This proposed ordinance will require a property owner with a diseased tree - that has been declared a public nuisance - to incur the costs of removing such tree. Pursuant to the proposed changes to the Code, the property owner will also bare any additional costs associated with not removing the diseased tree as a result of the imposition of penalties or the County's enforcement activities.

While this proposed ordinance will have a direct financial impact on a property owner with a diseased tree, it will have a direct benefit to the entire County, particularly the agricultural community. Laurel Wilt disease is fatal to trees in the *persea* family, including avocados. Miami-Dade County is largest producer of avocados in the State of Florida, and the local avocado industry employs more than 2,000 people and covers close to 8,000 acres. Most property owners follow correct property maintenance; however, a few property owners, many times unknowingly, are allowing the disease to spread. As a result, other property owners are being negatively impacted. In summary, the proposed ordinance is intended to protect specific classifications of trees from disease, which will in return protect compliant property owners as well as the agricultural community and its associated jobs.

A handwritten signature in black ink, appearing to read "Jack Osterholt".  
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Jack Osterholt  
Deputy Mayor