



Editorial: If a tree falls, does anyone in Tallahassee hear it?

Posted at 12:01 AM

Hurricane Irma apparently intervened in defusing the fireworks that were expected at last month's meeting between the Polk County Commission and the community's legislative delegation. The commission's anticipated criticism of Tallahassee's encroachment into local affairs — driven largely by the Legislature's support for a new homestead exemption that voters will decide next year — was subordinated to discussions of how the state will fuel the hurricane recovery.

But don't worry, the Legislature is about to hand Polk County and other local governments more reasons to grouse about undermining home rule.

One example came Monday when the respected environmental group 1000 Friends of Florida called attention to one bill now making its way through the ongoing legislative committee meetings.

It seems that Rep. Katie Edwards, a Plantation Democrat, and Sen. Greg Steube, a Sarasota Republican, believe regulating trees is a power best left to Tallahassee and not city hall.

Their identical bills would strip local governments of power to prohibit landowners from removing or trimming trees on their own property. The bill would also block local governments from requiring that landowners plant new trees or pay a fee toward that after removing trees. Finally, local government would have no say on stopping landowners from burying vegetative debris on sites larger than 2.5 acres.

Steube told the Sarasota Herald-Tribune that the bill was inspired in part by the fact that he had to comply with a county tree ordinance before clearing an acre of his 5.3-acre parcel to build a three-car garage with a mother-in-law apartment. He also was miffed that he had to pay thousands of dollars to have downed trees hauled off. And not surprisingly, Steube told the paper he also was motivated by complaints from developers about abiding by such local rules.

Interestingly, Steube told the Herald-Tribune he attempted to discuss his issue with each Sarasota County commissioner, all of whom were Republicans like him. But they didn't seem interested in his plea.

So, he went the way of the czar, filing a bill that abolishes their authority over him.

Setting aside the fact that this bill would be a boon for developers who want to clear-cut Florida to the last stump, we could agree that in some cases local regulations seem overbearing, useless, or nonsensical.

But there is another side to this.

For instance, in 2011 the town of Jupiter zapped a local couple with a \$1.6 million fine for removing 109 mangrove trees from their lot without permission. After fighting it out in court, a panel of appellate judges agreed the town was wrong because mangroves are protected and regulated by the state. That fact, however, did not stop the trees from being axed.

The Steube-Edwards bill does not identify which state agency would police trees, or how an agency, if designated, would handle these issues, or if no one would be responsible for this regulation. One might argue this bill either puts everyday Floridians at the mercy of big, distant state government, or means they are not governed at all.

The perceived absurdity of local regulations should not create an automatic mandate for Tallahassee to step in and declare them null and void.

The place to fix or repeal these local laws is the chambers of city and county commissions, by appealing directly to locally elected leaders, not the state Capitol. If opponents cannot find satisfaction that way, there is always the ballot box.

It always puzzles us why the people who complain loudest about interference from Washington want to afflict local government with their own mandates. Stay tuned to see what other authority Tallahassee seeks to take from the government officials closest to the people.