

1 Introduced by Council Member Crescimbeni:  
2  
3

4 **ORDINANCE 2019-328**

5 AN ORDINANCE AMENDING SECTION 111.760 (TREE  
6 PROTECTION AND RELATED EXPENSES TRUST FUND),  
7 PART 7 (ENVIRONMENT AND CONSERVATION), CHAPTER  
8 111 (SPECIAL REVENUE AND TRUST ACCOUNTS),  
9 *ORDINANCE CODE*, TO REMOVE THE PROVISION THAT  
10 ALLOWS MONIES IN THE TREE PROTECTION AND  
11 RELATED EXPENSES TRUST FUND TO BE SPENT ON  
12 LANDSCAPING INCIDENTAL TO THE PLANTING OF  
13 TREES; PROVIDING AN EFFECTIVE DATE.  
14

15 **WHEREAS**, the Tree Protection and Related Expenses Trust Fund  
16 is the depository for mitigation funds generated by action of  
17 Article 25 (Minimum Standards for Tree Protection, Conservation and  
18 Mitigation During Development) of the Jacksonville Charter, and of  
19 Part 12 (Landscape and Tree Protection Regulations) of Chapter 656  
20 (Zoning Code) of the *Ordinance Code*; and

21 **WHEREAS**, those provisions in the Charter and the Ordinance  
22 Code require mitigation for the removal of protected trees; and

23 **WHEREAS**, experience with the use of that funding by the City  
24 for "incidental landscaping," such as shrubs and groundcover, that  
25 were included as part of a tree planting project has created an  
26 additional maintenance burden on the part of the City's Public  
27 Works Department for the upkeep of the shrubbery or groundcover  
28 beds associated with the tree planting, in some instances resulting  
29 in the decline and ultimate death of the incidental landscaping;  
30 and

31 **WHEREAS**, the initial cost of the incidental landscaping,

1 because of the amount of plant material, the labor involved, and  
2 the maintenance required through weeding, fertilization and  
3 irrigation of the plant material can greatly exceed the cost of the  
4 tree to which it is incidental; and

5 **WHEREAS**, while shrubs and groundcover may have an overall  
6 beneficial effect for the environment and aesthetics of a planting,  
7 the Council finds that the Tree Protection and Related Expenses  
8 Trust Fund should be used for the planting and maintenance of trees  
9 rather than shrubs and groundcover; now, therefore

10 **BE IT ORDAINED** by the Council of the City of Jacksonville:

11 **Section 1. Chapter 111 (SPECIAL REVENUE AND TRUST**  
12 **ACCOUNTS), Part 7 (Environment and Conservation), Sec. 111.760**  
13 **(Tree Protection and Related Expenses Trust Fund), Ordinance Code.**

14 Chapter 111, (SPECIAL REVENUE AND TRUST ACCOUNTS), Part 7  
15 (Environment and Conservation), Section 111.760 (Tree Protection  
16 and Related Expenses Trust Fund), is hereby amended to read as  
17 follows:

18 **Chapter 111 (SPECIAL REVENUE AND TRUST ACCOUNTS)**

19 \* \* \*

20 **Part 7 (Environment and Conservation)**

21 \* \* \*

22 **Sec. 111.760. - Tree Protection and Related Expenses Trust Fund.**

23 There is created within the General Trust and Agency Fund a  
24 trust fund account to be known as the Tree Protection and Related  
25 Expenses Trust Fund, hereinafter referred to as the Fund, into  
26 which shall be deposited all contributions and fines collected or  
27 imposed, together with any donation, gift, grant, or other sum of  
28 money as may from time to time be appropriated by Council, and all  
29 monies recovered by the City as civil fines pursuant to Section  
30 656.1208; provided, however, that monies collected as  
31 administrative costs or attorneys' fees or costs of litigation

1 shall be paid directly to the City. The funds deposited in this  
2 trust fund, together with any interest accrued thereon, shall be  
3 expended for providing trees ~~and incidental landscaping~~, and  
4 maintaining trees, within City rights-of-way and on other lands  
5 owned by the City, its agencies or authorities, or upon which other  
6 ownership control may be exerted by the City, its agencies or  
7 authorities, including parks, public areas and easements, and also  
8 along all other public rights-of-way and on all other public lands  
9 in Duval County.

10 The funds deposited in this trust fund may also be used to pay  
11 the salary and benefits of one City Arborist position. The City  
12 Arborist position authorized herein shall be exclusively focused on  
13 the planting of trees and other activities directly supporting  
14 planting projects in the City which utilize monies from this trust  
15 fund.

16 \* \* \*

17 **Section 2. Effective Date.** This Ordinance shall become  
18 effective upon signature by the Mayor or upon becoming effective  
19 without the Mayor's signature.

20 Form Approved:

21  
22           /s/ Susan C. Grandin          

23 Office of General Counsel

24 Legislation Prepared By: Susan C. Grandin

25 GC-#1280953-v1-eliminating\_\_incidental\_\_in\_Tree\_Fund.doc  
26  
27