

**CITY COUNCIL RESEARCH DIVISION  
LEGISLATIVE SUMMARY**



**JEFFREY R. CLEMENTS**  
Chief of Research  
(904) 255-5137

117 West Duval Street  
City Hall, Suite 425  
Jacksonville, FL 32202  
FAX (904) 255-5229

**Bill Type and Number:** Ordinance 2023-312

**Introducer/Sponsor(s):** Council Member Becton

**Date of Introduction:** May 9, 2023

**Committee(s) of Reference:** R, F

**Date of Analysis:** May 11, 2023

**Type of Action:** Amendment to previous settlement agreement

**Bill Summary:** The bill ratifies several amendments to a previous settlement agreement between the City and The Public Trust Environmental Legal Institute of Florida, Inc. and other litigants regarding the use of the City's Tree Protection Trust Fund resources. The amendments would take the form of City Council amendments, to be processed via separate legislation, to portions of Ordinance Code Chapter 94 – Tree Commission – and Chapter 656 – Zoning Code. The proposed revisions to Chapter 94 will authorize the Tree Commission to consider and approve appeals of Notices of Violations issued pursuant to Chapter 656, Part 12. The proposed revisions to Chapter 656, Part 12 include replacing the Planning Commission with the Tree Commission as the body that will hear appeals of tree violations and making substantial revisions to Chapter 656, Part 12 which creates a new Settlement and Reduction Policy for reducing fines issued for violation of Chapter 656, Part 12, including differentiating between the mitigation payment and the fine for tree removal without a permit.

NOTE: See companion Ordinances 2023-323 and 2023-324

**Background Information:** The Public Trust Environmental Legal Institute of Florida, Inc. (Public Trust) and three City residents filed suit against the City alleging that the City was using funds generated from tree mitigation payments collected pursuant to activities regulated by Article 25 of the City Charter in a manner not consistent with the intent of the citizen-initiated Charter amendment. To end the litigation the parties negotiated a mutually agreeable settlement that was approved by the Council via Ordinance 2017-395-E. The plaintiffs have proposed to amend that settlement agreement to allow for modifications to Exhibits A and D of that agreement and have requested that the Council enact their proposed Ordinance Code amendments to address unanticipated situations that have arisen in the enforcement of the tree regulations since the effective date of the settlement agreement.

**Policy Impact Area:** Tree mitigation regulation

**Fiscal Impact:** Undetermined

**Analyst:** Clements