

Introduced by Council Member Crescimbeni and amended by the Finance  
Committee:

**ORDINANCE 2018-524-E**

AN ORDINANCE REGARDING THE USE OF THE TREE  
MITIGATION TRUST FUND; AMENDING, CHAPTER 111  
(SPECIAL REVENUE AND TRUST ACCOUNTS), PART 7  
(ENVIRONMENT AND CONSERVATION), SECTION  
111.760 (TREE PROTECTION AND RELATED EXPENSES  
TRUST FUND), *ORDINANCE CODE*, TO PROHIBIT THE  
USE OF TRUE DATE PALMS FOR NEW PLANTINGS BY  
THE CITY WITH SPECIFIC EXCEPTIONS; PROVIDING  
AN EFFECTIVE DATE.

**WHEREAS**, Jacksonville's Tree Commission, created pursuant to  
Ordinance 2017-397-E, passed a Resolution expressing an official  
position against the planting of True Date Palms (scientific name  
*Phoenix dactylifera*) ("True Date Palm") using appropriations from  
the Tree Protection and Related Expenses Trust Fund ("Tree Fund");  
and

**WHEREAS**, True Date Palms are not native to the City of  
Jacksonville; and

**WHEREAS**, True Date Palms are native to arid and hot  
environments such as the deserts of the Middle East and thrive in  
those conditions, but not in the humid environment of Jacksonville,  
thus the True Date Palms frequently contract a fungus that causes  
decline and frond droop; and

**WHEREAS**, the salinity in the air over the land mass in close  
proximity to the Atlantic Ocean may result in reduced  
susceptibility to disease and decline; and

1       **WHEREAS**, a copy of the Date Palm Boundary Map is **attached**  
2 **hereto as Exhibit 2**; and

3       **WHEREAS**, a single True Date Palm costs approximately \$5,000.00  
4 installed and guaranteed for one year by the City's continuing  
5 contract landscape contractor; and

6       **WHEREAS**, a single True Date Palm costs approximately \$300.00  
7 to \$500.00 per year to maintain due to the required careful  
8 trimming of palm fronds and removal of the True Date fruit; and

9       **WHEREAS**, pursuant to Sec. 25.02(g), *Charter*, a date palm  
10 cannot be used as a Mitigation Tree (Replacement Tree) because it  
11 is not expressly identified as such and is not an "indigenous tree  
12 that reaches a height at maturity of at least 45 feet and a spread  
13 at maturity of at least 30 feet"; and

14       **WHEREAS**, pursuant to Sec. 94.105(a), *Ordinance Code*, one of  
15 the Tree Commission's purposes is to study and make recommendations  
16 to the City Council with respect to the planting of trees and the  
17 health of the City's tree canopy; and

18       **WHEREAS**, the Tree Commission has made such a recommendation  
19 through the formal resolution process, a copy of which is **attached**  
20 **hereto as Exhibit 1**; now, therefore

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

22       **Section 1. Chapter 111 (SPECIAL REVENUE AND TRUST**  
23 **ACCOUNTS), Part 7 (Environment and Conservation), Sec. 111.760**  
24 **(Tree Protection and Related Expenses Trust Fund), Ordinance Code.**  
25 Chapter 111, (SPECIAL REVENUE AND TRUST ACCOUNTS), Part 7  
26 (Environment and Conservation), Section 111.760 (Tree Protection  
27 and Related Expenses Trust Fund), is hereby amended to read as  
28 follows:

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

30       \* \* \*

**Part 7 (Environment and Conservation)****\* \* \*****Sec. 111.760. - Tree Protection and Related Expenses Trust Fund.**

There is created within the General Trust and Agency Fund a trust fund account to be known as the Tree Protection and Related Expenses Trust Fund, hereinafter referred to as the Fund, into which shall be deposited all contributions and fines collected or imposed, together with any donation, gift, grant, or other sum of money as may from time to time be appropriated by Council, and all monies recovered by the City as civil fines pursuant to Section 656.1208; provided, however, that monies collected as administrative costs or attorneys' fees or costs of litigation shall be paid directly to the City. The funds deposited in this trust fund, together with any interest accrued thereon, shall be expended for providing trees and incidental landscaping, and maintaining trees, within City rights-of-way and on other lands owned by the City, its agencies or authorities, or upon which other ownership control may be exerted by the City, its agencies or authorities, including parks, public areas and easements, and also along all other public rights-of-way and on all other public lands in Duval County.

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

The Director of Finance and Administration is authorized and directed to make disbursements from this fund, after Council appropriation, upon written requisition for such purposes signed

1 jointly by the Director of Public Works and the Director of Parks,  
2 Recreation and Community Services. Monies deposited in this trust  
3 fund shall not lapse at the close of any fiscal year, but shall  
4 carry over to the next fiscal year.

5 In no case whatsoever shall these trust funds be considered as  
6 the sole source of revenue for funds necessary to meet the normal  
7 landscaping needs of the City's recreation, park or conservation  
8 lands, or public right-of-way. The total amount appropriated from  
9 these trust funds for tree maintenance in any fiscal year shall not  
10 exceed an amount equal to twenty-five percent of the amount  
11 budgeted in that fiscal year for tree maintenance activities in the  
12 Public Works Department. Any appropriation of trust funds for tree  
13 maintenance shall be used to supplement, not replace, monies  
14 otherwise appropriated for tree maintenance by the Public Works  
15 Department, and shall be used to undertake activities intended to  
16 extend the life of existing trees.

17 The Fund shall not be used for the purchase of *Phoenix*  
18 *dactylifera* (True Date Palm), unless: (1) it is for the replacement  
19 of a *Phoenix dactylifera* that meets both of the following  
20 conditions: (a) The palm has been damaged due to a man-made  
21 incident or lightening. Decline due to fungus, disease, or related  
22 failure due to incompatible soil conditions or habitat, shall not  
23 be a reason for replacement; (b) The palm is part of a streetscape  
24 scheme that would become visually imbalanced if not replaced with  
25 the same genus and species of palm; or (2) The palms are planted in  
26 the area delineated as described as follows: Beginning at the  
27 confluence of the St. Johns River and the Atlantic Ocean, follow  
28 the southern edge of the St. Johns River westward, then south  
29 southwest, to the eastern edge of Helen Cooper Floyd Park; then  
30 southeast to the western boundary of the State Road A1A right-of-

1 way; then southeast along the western boundary of State Road A1A  
2 right-of-way to the western boundary of the Mayport Road right-of-  
3 way; then generally south along the western boundary of the  
4 Mayport Road right-of-way to and across Atlantic Boulevard; then  
5 continuing south along the western boundary of the Florida  
6 Boulevard right-of-way to the western boundary of the Penman Road  
7 right-of-way; then south along the western boundary of the Penman  
8 Road right-of-way, to and across Beach Boulevard; then east along  
9 the southern boundary of the Beach Boulevard right-of-way to the  
10 western boundary of the 3<sup>rd</sup> Street right-of-way; then south along  
11 the western boundary of the 3<sup>rd</sup> Street right-of-way to the Duval  
12 County line; then east to the Atlantic Ocean; then north along the  
13 mean high water line to the point of beginning, as depicted on the  
14 map attached to Ordinance 2018-524-E.

15 \* \* \*

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

19  
20 Form Approved:

21  
22 /s/ Shannon K. Eller

23 Office of General Counsel

24 Legislation Prepared By: Susan C. Grandin

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