RESOLUTION NO. 26-2205

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, ACCEPTING THE TOWN MANAGER'S AUGUST 18, 2026 MEMORANDUM REGARDING THE PROTECTION OF THE TOWN'S TREE CANOPIES; APPROVING THE "PROTECT OUR CANOPY" EDUCATIONAL AND PREVENTATIVE INITIATIVE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORITY AND EXPENDITURE OF BUDGETED FUNDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at the March 17, 2026, Town Council meeting, Councilmember Ray Garcia sponsored a New Business Item concerning recurring instances of oak trees located within Town swales being improperly or excessively trimmed by landscaping contractors; and

WHEREAS, the New Business Item requested that the Town Manager and Town Attorney evaluate whether a mechanism could be established to hold landscapers accountable for such conduct, including the potential imposition of fines, restricting a contractor's ability to conduct business within the Town, and developing a list of offending contractors that could be shared with residents; and

WHEREAS, in response to this direction, Town staff researched several regulatory approaches and reviewed programs utilized by other jurisdictions to determine whether a legally sustainable local mechanism could be established; and

WHEREAS, Town staff evaluated Miami-Dade County's Landscaper Permit program and, following discussions with the County, determined that the program is administered primarily as part of the County's solid waste disposal system and regulates access to County disposal facilities, and therefore does not provide the Town with a mechanism to regulate the professional competency of a landscaper, discipline a landscaper for improper pruning within the Town, or revoke a landscaper's ability to perform work within the Town; and

WHEREAS, Town staff reviewed the City of Coral Gables' landscaper registration program, originally adopted under Ordinance No. 2017-10, and found that the City

subsequently adopted Ordinance No. 2023-21 to remove its annual landscaper registration requirements after the Florida Legislature enacted Section 163.211, Florida Statutes, expressly preempting the licensing of occupations to the State; and

WHEREAS, Town staff reviewed Broward County's Tree Trimmer Licensing Ordinance and found that, as a result of the same State occupational licensing preemption, Broward County no longer requires tree-trimming contractors to obtain a County Certificate of Competency or Tree Trimmer License as of July 1, 2025; and

WHEREAS, Section 163.211, Florida Statutes, broadly defines "licensing" to include required training, education, testing, certification, registration, or licensing necessary for a person to perform an occupation, and provides that local occupational licensing requirements not otherwise authorized by general law do not apply and may not be enforced; and

WHEREAS, under the Town's existing regulatory framework, Code Compliance enforcement generally occurs against the responsible property owner once prohibited tree abuse has occurred, which may result in a property owner facing the consequences of improper work performed by a contractor hired to maintain the property; and

WHEREAS, as an alternative, Town staff recommends implementing the "Protect Our Canopy" which may include, without limitation: (i) a resident-friendly guide illustrating proper and improper tree pruning techniques; (ii) guidance explaining the Town's applicable tree protection requirements and the potential responsibility of property owners when improper work is performed; (iii) a "Before You Hire a Tree Trimmer" checklist; (iv) encouragement of the use of tree-care professionals with recognized qualifications, such as International Society of Arboriculture Certified Arborists; (v) educational information regarding accepted industry practices, including applicable ANSI A300 tree-care standards; (vi) periodic social media and e-blast campaigns, particularly before hurricane season; (vii) distribution of educational materials through neighborhood associations, community meetings, Town events, and Code Compliance contacts; and (viii) promotion of the Town's Voluntary Tree Trimming Vendor Registry Program and Resi-Pay Tree Trimming Program; and

WHEREAS, the initial educational campaign can be developed primarily utilizing existing staff resources and Town communication platforms, with any costs associated with printing educational materials, enhanced outreach, or future programming to be accommodated within existing departmental appropriations, any request for funding beyond existing appropriations will be presented to the Town Council separately; and

WHEREAS, the Town Council finds that approval of the recommendations set forth in the Town Manager's August 18, 2026 Memorandum, and implementation of the "Protect Our Canopy" educational initiative, is in the best interest of the health, safety, and welfare of the Town and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals are true and correct and are hereby incorporated into this Resolution by this reference.

Section 2. Approval. The Town Council hereby accepts and approves the findings and recommendations contained in the Town Manager's August 18, 2026 Memorandum regarding the protection of the Town's tree canopies, and approves the implementation of the "Protect Our Canopy" educational and preventative initiative. Which will consist of the following:

- A resident-friendly guide illustrating proper and improper tree pruning techniques, including examples of tree topping, excessive canopy reduction, and improper cuts;
- Guidance explaining the Town's applicable tree protection requirements and the potential responsibility of property owners when improper work is performed;
- A "Before You Hire a Tree Trimmer" checklist encouraging residents to ask contractors about training, experience, insurance, appropriate pruning standards, and professional credentials;
- Encouragement of the use of tree-care professionals with recognized qualifications, such as International Society of Arboriculture Certified Arborists;

- Educational information regarding accepted industry practices, including applicable ANSI A300 tree-care standards and current arboricultural best management practices;
- Periodic social media and e-blast campaigns, particularly before hurricane season and during periods of increased residential tree trimming;
- Distribution of educational materials through neighborhood associations, community meetings, Town events, and Code Compliance contacts; and
- Promotion of the Town's Voluntary Tree Trimming Vendor Registry Program and Resi-Pay Tree Trimming Program.

Section 3. Authority and Expenditure of Budgeted Funds. The Town Manager, or designee, is hereby authorized and directed to develop and implement the "Protect Our Canopy" educational initiative described herein, with initial educational materials and digital outreach to be developed within thirty (30) days following adoption of this Resolution, and ongoing education to be incorporated into the Town's tree-management and public-information efforts. The Town Manager is authorized to expend budget funds in order to carry out this resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

**********THIS PORTION HAS BEEN LEFT PURPOSEFULLY BLANK**********

The foregoing resolution was offered by Vice Mayor Morera who moved its adoption. The motion was seconded by Councilmember Sanchez and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed and adopted this 15th day of September 2026.

Joshua Dieguez
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

Lorenzo Cobiella
Gastesi, Lopez Mestre and Cobiella, PLLC
Deputy Town Attorney