

LakeRidge Falls

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Here are the more important stories we had this past and upcoming weeks:

Tree Removal – A couple of weeks or so ago, an article was published in the Herald Tribune by Mr. Jono Miller, a contributory columnist, titled “Under a new Florida law, any tree can be removed.” A copy of this article, which was later renamed “Under a new Florida law, no tree is safe” on the Herald Tribune’s online edition, can be found below. In the article, Mr. Miller reported that “[t]he governor signed House Bill 1159. It is now in effect and the result is that any tree on any Florida residential property can be removed without involving the government in any way, if a certified arborist or a Florida-licensed landscape architect creates documentation that the tree ‘presents a danger to persons or property.’” He then goes to challenge the legislation and how it can be abused.

Under a new Florida law, any tree can be removed


Jono Miller

Well, it happened. The governor signed House Bill 1159. It is now in effect and the result is that any tree on any Florida residential property can be removed without involving the government in any way, if a certified arborist or a Florida-licensed landscape architect creates documentation that the tree “presents a danger to persons or property.”

This law will enable property owners to remove trees that they and an expert agree could pose a problem, without interference by local government. Unfortunately, the legislation, as adopted, can be abused.

Is there a tree on your residential property that, during a Category 5 hurricane, could not conceivably fall or lose a branch that might damage your property

or a neighbors' property?

No. Even our toughest trees can fail in hurricane or tornado winds. And the property could be a mailbox, or even a rose bush.

Landscape architects typically do not have special training in assessing tree danger. Arborists certified by the International Society of Arboriculture (ISA) can take a specialized course and become qualified in “Tree Risk Assessment,” but having this additional expertise is not a requirement of the legislation. This training is not even available to landscape architects, unless they are simultaneously also certified arborists.

And get this: There is no requirement that the arborist visit the site, or even live in Florida.

In 2017, there were 31,400 ISA-certified arborists. It's not hard to imagine one or two entrepreneurial arborists creating an online cottage industry to take advantage of this new legislation.

Since I hail from New Jersey, where a familiarity with creative deviousness is not uncommon, here's how I'd do it: I'd require a photo of the trees in question, along with identification of the species involved. Then I'd find published documentation that the species in question has failed in hurricanes.

For instance, 93% of cabbage palms survived Hurricane Andrew. That's impressive — cabbage palms are our most wind-resistant native trees. But that also means 7% failed. Hurricane Charley went over Cabbage Key. I visited afterward and found most cabbage palms weathered the storm, but some were snapped off.

So if a residential homeowner was worried about a cabbage palm, there would be reason to validate his or her concerns and create a document stating that the arborist could not guarantee the tree wouldn't fail in a hurricane — creating a completely reasonable finding that the tree could present a danger to persons or property.

Had the Legislature introduced a modifier before danger: “imminent,” “demonstrable,” “significant,” “atypical,” etc., then there would be a higher standard that wouldn't make all trees eligible for removal. But since there are no hurricane-proof species of trees, any tree can be said, theoretically at least, to present the requisite danger.

To make matters worse, the act doesn't say the owner has to display the documentation, keep the documentation, or even reveal that documentation to any authorities (or neighbors).

In fact, the tenor of the legislation reflects a belief that the government has no right to know anything about trees on private residential properties. So there may not be any way to determine on what basis the tree was deemed a danger (or even if an arborist or landscape architect was actually involved).

I suspect most property owners and arborists/landscape architects will invoke this new law in a responsible manner, but there's obvious potential for abuse. What's to be done?

- Local governments, whose ability to adjust tree rules to match community values was usurped by this one-size-fits-all Tallahassee

pre-emption, should document citizen complaints, coordinate with other local governments, and, minimally, demand that legislators add some form of reporting accountability.

- Neighbors should let their local commissioners and legislators know how they feel about this legislation.
- Landscape architects probably should petition to be removed from the legislation. Without additional training, client requests for a formal danger determination are likely to be awkward for all involved.
- Arborists might want to do three things: 1) Ask that only those arborists qualified in tree risk assessment be given this responsibility. 2) Require that the arborist visit the site. 3) Argue for adding one or more modifiers that raise the bar in a manner that reduces the risk of abuse.
- Trees, if you're reading this, try to look non-threatening.

Jono Miller, a Sarasota resident and longtime community leader, is a contributing columnist.

Following the publication of the article, a handful of residents contacted the Association regarding the new law and how it would impact the community. Because the issue involves a legal matter, the Board of Directors sought out the legal advice of the Association attorney. The question presented to the attorney was as follow: “in regard to House Bill 1159, how should the Association proceed in relation to Article 14, Canopy Trees, of its Architectural Review Board (ARB) Guidelines? Here is the attorney’s reply: “the new law has no impact on private restrictions regarding trees. The ARB contains private restrictions which are not modified by this new law...this law does not change the Associations right to regulate trees and landscaping by the ARB.” In simple terms, residents are still required to obtain approval from the ARB

before removing or replacing any tree on their property. We hope that this provides a clear answer to what truly seems to be a very confusing law.

Adirondack Chairs – A few weeks ago, we reported that the Board of Directors had to table a recommendation by the Roads & Grounds Committee for purchasing four commercial-grade Polywood Adirondack chairs. Also as reported, thanks to Mr. Ed Coil, West Bay General Manager, and the help of Mr. Matt Stewart, West Bay Landscape Account Manager, West Bay agreed to donate four commercial-grade Polywood Adirondack chairs to the community. As many may have noticed by now, the Adirondack chairs arrived late last week and were placed at the beach area next to the bocce courts. Below is a picture of Mr. Stewart of West Bay with the new chairs. Once again, the Board of Directors and the entire LakeRidge Falls family wish to use this opportunity to thank the entire West Bay organization for what is truly a generous and wonderful gesture.



Fitness Equipment Survey – For the past few months, the Buildings Committee met several times to discuss the issue of fitness equipment. The committee first built a layout for the new fitness center with the desirable fitness equipment. During this process, the committee recommended purchasing all new equipment. Then, the committee created a financial strategy to execute such a plan. In reviewing the different options, the committee concluded that leasing the new equipment, i.e. monthly payments vs. reserve funds, would be the preferable route. Following these two steps, the Buildings Committee held a workshop meeting that took place two weeks ago in which it presented its recommendations to the members.

Also in the meeting, Gym Source, i.e. the vendor the Buildings Committee suggested using, provided a detailed presentation and made sure to answer questions that were brought up by attendees. More importantly, the meeting helped the committee to receive valuable feedback. Following the workshop meeting, the committee met again to process the feedback received. Based on this information, the committee decided to amend the proposed plan and add TRX bands, medicine balls, and additional recumbent bike to the list of suggested equipment. In this meeting, the Buildings Committee also accepted a Board of Directors' suggestion to launch an online survey in order to obtain as much feedback as possible from members of the community before a final recommendation is made.

Therefore and thanks to the amazing job of Mrs. Paula Murray, LakeRidge Falls' Association Assistant, a comprehensive webpage was created for this sole purpose. If you go to the following web address, <http://www.lakeridgefalls.org/acrp/>, you will find four lines. The first is called **Recommendation**. Clicking on it will provide you with a complete list of the suggested new fitness equipment. Below this, you will see a link that is called **Background on each piece of equipment**. The information in there is the complete presentation by Gym Source during the workshop meeting. The next line is called **Community Workshop Minutes**. There you will be able to read what took place during the workshop meeting and go over some of the concerns and questions that came up. Finally and most importantly, the last line is called **Owners Comment Form**. This is the online survey residents are asked to fill out in order to provide their feedback. Please, your opinion is very valuable so make sure to take a moment to go over all the information and provide your comments.

The deadline for submitting your survey is Tuesday, August 6th. The Buildings Committee will then meet again to go over the information provided. Based on this information, they will make a final recommendation to the Board of Directors during its next scheduled meeting, which should take place on Friday, August 9th at 2:00 pm at the Northminster Presbyterian Church.

Access Controlled – We are in the process of reinstating all systems in the clubhouse such as the communication and access control systems. Therefore, there is a good chance that a limited number of residents may be impacted by this. The main concern is the access control system. For this reason, some residents may experience difficulties using their FOB keys and RFID stickers. If for some reason, your FOB or RFID stopped working, please contact the office and we will take care of the matter as soon as possible. Again, we don't believe that more than a handful of residents should be affected by this transition. Thank you in advance for your understanding on this matter.

Have a great and a safe weekend.

Sincerely,

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