



132156

LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 163.3209, Florida Statutes, is amended
to read:

163.3209 Electric transmission and distribution line right-
of-way maintenance.—After a right-of-way for any electric
transmission or distribution line has been established and
constructed, no local government shall require or apply any



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11 permits or other approvals or code provisions for or related to
12 vegetation maintenance and tree pruning or trimming within the
13 established right-of-way. The term "vegetation maintenance and
14 tree pruning or trimming" means the mowing of vegetation within
15 the right-of-way, removal of trees or brush within the right-of-
16 way, and selective removal of tree branches that extend within
17 the right-of-way. The provisions of this section do not include
18 the removal of trees outside the right-of-way, which may be
19 allowed in compliance with applicable local ordinances. Prior to
20 conducting scheduled routine vegetation maintenance and tree
21 pruning or trimming activities within an established right-of-
22 way, the utility shall provide the official designated by the
23 local government with a minimum of 5 business days' advance
24 notice. Such advance notice is not required for vegetation
25 maintenance and tree pruning or trimming required to restore
26 electric service or to avoid an imminent vegetation-caused
27 outage or when performed at the request of the property owner
28 adjacent to the right-of-way, provided that the owner has
29 approval of the local government, if needed. Upon the request of
30 the local government, the electric utility shall meet with the
31 local government to discuss and submit the utility's vegetation
32 maintenance plan, including the utility's trimming
33 specifications and maintenance practices. Vegetation maintenance
34 and tree pruning or trimming conducted by utilities shall
35 conform to ANSI A300 (Part I)-2001 pruning standards and ANSI
36 Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees,
37 and Cutting Brush-Safety Requirements. Vegetation maintenance
38 and tree pruning or trimming conducted by utilities must be
39 supervised by qualified electric utility personnel or licensed



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40 contractors trained to conduct vegetation maintenance and tree
41 trimming or pruning consistent with this section or by Certified
42 Arborists certified by the Certification Program of the
43 International Society of Arboriculture. A local government shall
44 not adopt an ordinance or land development regulation that
45 requires the planting of a tree or other vegetation that will
46 achieve a height greater than 14 feet in an established electric
47 utility right-of-way or intrude from the side closer than the
48 clearance distance specified in Table 2 of ANSI Z133.1-2000 for
49 lines affected by the North American Electric Reliability
50 Council Standard, FAC 003.1 requirement R1.2. This section does
51 not supersede or nullify the terms of specific franchise
52 agreements between an electric utility and a local government
53 and shall not be construed to limit a local government's
54 franchising authority. ~~This section does not supersede local~~
55 ~~government ordinances or regulations governing planting,~~
56 ~~pruning, trimming, or removal of specimen trees or historical~~
57 ~~trees, as defined in a local government's ordinances or~~
58 ~~regulations, or trees within designated canopied protection~~
59 ~~areas. This section shall not apply if a local government~~
60 ~~develops, with input from the utility, and the local government~~
61 ~~adopts, a written plan specifically for vegetation maintenance,~~
62 ~~tree pruning, tree removal, and tree trimming by the utility~~
63 ~~within the local government's established rights-of-way and the~~
64 ~~plan is not inconsistent with the minimum requirements of the~~
65 ~~National Electrical Safety Code as adopted by the Public Service~~
66 ~~Commission; provided, however, such a plan shall not require the~~
67 ~~planting of a tree or other vegetation that will achieve a~~
68 ~~height greater than 14 feet in an established electric right-of-~~



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way. Vegetation maintenance costs are ~~shall be~~ considered recoverable costs.

Section 2. Section 589.37, Florida Statutes, is created to read:

589.37 Regulation of tree, timber, and vegetation trimming and removal performed by certain governmental entities prohibited.-

(1) The Legislature finds that uncontrolled growth of trees or vegetation within rights-of-way owned or managed by the state, water management districts, water control districts, neighborhood improvement districts, independent special districts, or community development districts interferes with the operation and maintenance of flood protection and drainage infrastructure, including, but not limited to, canals, which are critical to the protection of the health, safety, and general welfare of the public.

(2) Where the state or a water management district, a water control district created under chapter 298, a neighborhood improvement district created under chapter 163, an independent special district, or a community development district created under chapter 190, has a duty to maintain any rights-of-way, a municipality, county, or other political subdivision of the state may not prohibit, restrict, or condition, or require a permit, fee, or mitigation for, the trimming or removal of trees, timber, or vegetation.

(3) This section does not prohibit the licensing and regulation by municipalities or counties of persons engaged in tree, timber, or vegetation trimming or removal.

Section 3. This act shall take effect July 1, 2018.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to tree, timber, and vegetation
trimming and removal; amending s. 163.3209, F.S.;
revising applicability of a provision relating to
vegetation maintenance and tree pruning or trimming
within an established electric transmission and
distribution line right-of-way; creating s. 589.37,
F.S.; providing legislative findings; prohibiting the
regulation of tree, timber, and vegetation trimming
and removal performed by certain governmental entities
under certain circumstances; providing applicability;
providing an effective date.