

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | _____ | (Y/N) |
| ADOPTED AS AMENDED | _____ | (Y/N) |
| ADOPTED W/O OBJECTION | _____ | (Y/N) |
| FAILED TO ADOPT | _____ | (Y/N) |
| WITHDRAWN | _____ | (Y/N) |
| OTHER | | |

1 Committee/Subcommittee hearing bill: Government Accountability
2 Committee

3 Representative Edwards-Walpole offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 589.37, Florida Statutes, is created to
8 read:

9 589.37 Tree and vegetation maintenance within established
10 flood and drainage rights-of-way.-

11 (1) Water management districts, water control districts,
12 and special districts authorized to exercise powers under ch.
13 298 establish and manage public rights-of-way for the purpose of
14 flood protection and drainage control. Uncontrolled growth of
15 trees and vegetation within rights-of-way established for these
16 purposes may compromise their function and, left unaddressed,

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17 adversely impact public health and safety, and other adjacent
18 jurisdictions.

19 (2) After a right-of-way for flood protection or drainage
20 control has been established and constructed by a water
21 management district, a water control district, or a special
22 district authorized to exercise powers under ch. 298, no local
23 government shall require any permits or other approvals for
24 vegetation maintenance and tree pruning or trimming within the
25 established right-of-way. The term "vegetation maintenance and
26 tree pruning or trimming" means the mowing of vegetation within
27 the right-of-way, removal of trees or brush within the right-of-
28 way, and selective removal of tree branches that extend within
29 the right-of-way. The provisions of this section do not include
30 the removal of trees or vegetation outside the right-of-way,
31 which may be authorized in accordance with applicable local
32 ordinances.

33 (3) Prior to conducting scheduled routine vegetation and
34 tree maintenance activities within an established right-of-way,
35 a water management district, water control district, or special
36 district authorized to exercise powers under ch. 298 shall
37 provide the official designated by the local government with a
38 minimum of 5 business days' advanced notice. Such advanced
39 notice is not required when maintenance is necessary to avoid
40 imminent threat to public safety.

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41 (4) This section does not limit the licensing and
42 regulation by local governments of persons engaged in vegetation
43 maintenance and tree pruning or trimming.

44 (5) This section does not prohibit a water management
45 district, water control district, or special district authorized
46 to exercise powers under ch. 298 from entering into agreements
47 with local governments to perform maintenance services for the
48 water management district, water control district, or special
49 district authorized to exercise powers under ch. 298.

50 (6) This section does not apply to the exercise of
51 specifically delegated authority for mangrove protection
52 pursuant to ss. 403.9321 through 403.9333.

53 Section 2. This act shall take effect July 1, 2018.

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56 **T I T L E A M E N D M E N T**

57 Remove everything before the enacting clause and insert:
58 An act relating to tree and vegetation maintenance within
59 established flood and drainage rights-of-way; creating s.
60 589.37, F.S.; providing legislative findings; prohibiting local
61 governments from requiring any permits or other approvals for
62 vegetation maintenance and tree pruning or trimming within the
63 established right-of-way managed by a water management district,
64 water control district, or special district exercising ch. 298
65 powers; requiring water management districts, water control

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 521 (2018)

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66 districts, and special districts exercising ch. 298 powers to
67 provide notice prior to vegetation maintenance; providing
68 legislative intent; providing exemptions; providing an effective
69 date.