

1 A bill to be entitled
2 An act relating to tree and vegetation maintenance
3 within established flood and drainage rights-of-way;
4 creating s. 589.37, F.S.; providing legislative
5 findings; prohibiting local governments from requiring
6 permits or other approvals for tree and vegetation
7 maintenance within certain rights-of-way managed by
8 water management districts, water control districts,
9 or special districts; defining the term "tree and
10 vegetation maintenance"; requiring such districts to
11 provide certain notice before conducting such
12 maintenance; providing applicability; providing an
13 effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 589.37, Florida Statutes, is created to
18 read:

19 589.37 Tree and vegetation maintenance within established
20 flood and drainage rights-of-way.-

21 (1) The Legislature finds that water management districts,
22 water control districts, and special districts authorized to
23 exercise powers under chapter 298 establish and manage public
24 rights-of-way for the purpose of flood protection and drainage
25 control and that uncontrolled growth of trees and vegetation

26 | within rights-of-way established for these purposes may
27 | compromise the function of such rights-of-way and, left
28 | unaddressed, may adversely impact public health and safety and
29 | may adversely affect other adjacent jurisdictions.

30 | (2) After a right-of-way for flood protection or drainage
31 | control has been established and constructed by a water
32 | management district, water control district, or special district
33 | authorized to exercise powers under chapter 298, a local
34 | government may not require any permits or other approvals for
35 | tree and vegetation maintenance within the established right-of-
36 | way. The term "tree and vegetation maintenance" means the mowing
37 | of vegetation within the right-of-way, the removal of trees or
38 | brush within the right-of-way, and the selective removal of tree
39 | branches that extend within the right-of-way.

40 | (3) Before conducting scheduled routine tree and
41 | vegetation maintenance services within an established right-of-
42 | way, a water management district, water control district, or
43 | special district authorized to exercise powers under chapter 298
44 | must provide the official designated by the local government
45 | with a minimum of 5 business days' advance notice. Such advance
46 | notice is not required when maintenance services are necessary
47 | to avoid imminent threat to public safety.

48 | (4) This section does not:

49 | (a) Apply to the removal of trees or vegetation outside of
50 | a right-of-way established by a water management district, water

51 control district, or special district authorized to exercise
52 powers under chapter 298, which may be authorized in accordance
53 with applicable local ordinances.

54 (b) Limit the licensing and regulation by local
55 governments of persons engaged in tree and vegetation
56 maintenance.

57 (c) Prohibit a water management district, water control
58 district, or special district authorized to exercise powers
59 under chapter 298 from entering into agreements with local
60 governments to perform maintenance services for the water
61 management district, water control district, or special district
62 authorized to exercise powers under chapter 298.

63 (d) Apply to the exercise of specifically delegated
64 authority for mangrove protection pursuant to ss. 403.9321-
65 403.9333.

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