

HB 431

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CHAMBER ACTION

1 The Utilities & Telecommunications Committee recommends the
2 following:

Council/Committee Substitute

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to electrical transmission and
8 distribution; creating s. 163.3208, F.S.; providing
9 legislative intent; providing criteria for adoption and
10 enforcement by a local government of land development
11 regulations for new electrical substations; providing that
12 new substations are a permissible use in all land use
13 categories and zoning districts within a utility's service
14 territory; providing for exceptions; providing standards
15 which apply if a local government does not adopt
16 reasonable standards for substation siting; providing for
17 application of certain local siting standards to
18 applications received after public notice of the adoption
19 of those standards; providing a timeframe and procedures
20 for a local government to approve or deny an application
21 for an electrical substation; providing that the
22 application is deemed approved if not acted on within the
23 timeframe; providing for application to a land use,

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24 conditional use, or special-exception review of an
 25 electrical substation; providing for public input;
 26 creating s. 163.3209, F.S.; prohibiting local governments
 27 from requiring any permits or approvals for certain
 28 vegetation maintenance in an established electrical
 29 transmission or distribution line right-of-way; providing
 30 for a utility to give notice to the local government
 31 before conducting such vegetation-maintenance activities;
 32 providing for exceptions; requiring the utility to provide
 33 its vegetation-maintenance plan to the local government
 34 and discuss it with the local government; specifying
 35 standards for vegetation maintenance; providing for
 36 supervision of vegetation management activities; limiting
 37 the height and space of vegetation that may be required by
 38 a local government in an established right-of-way;
 39 providing for application of specified requirements to
 40 certain lines; providing for application to local
 41 franchise authority and removal of certain trees; creating
 42 s. 186.0201, F.S.; requiring electric utilities to notify
 43 the regional planning council of plans to site electrical
 44 substations; requiring the plans be included in the
 45 regional planning council's annual report; providing an
 46 effective date.

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Section 163.3208, Florida Statutes, is created
 51 to read:

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52 | 163.3208 Substation approval process.--

53 | (1) It is the intent of the Legislature to maintain,
54 | encourage, and ensure adequate and reliable electrical
55 | infrastructure in the state. It is essential that electrical
56 | infrastructure be constructed and maintained in various
57 | locations in order to ensure the efficient and reliable delivery
58 | of electric service.

59 | (2) Electrical substations are a critical component of
60 | electrical transmission and distribution. Local governments may
61 | adopt and enforce reasonable land development regulations for
62 | new substations addressing only setback, landscaping, buffering,
63 | screening, and other aesthetic compatibility-based standards.
64 | Vegetated buffers or screening beneath aerial access points to
65 | the substation equipment may not be required to have a mature
66 | height in excess of 14 feet. New substations shall be a
67 | permissible use in all land use categories in the applicable
68 | local government comprehensive plan and in zoning districts
69 | within the service territory of a utility, except those
70 | designated as preservation or conservation land on the future
71 | land use map or in a duly adopted ordinance. If a local
72 | government has not adopted reasonable standards for substation
73 | siting in accordance with applicable adoption procedures,
74 | including public hearings, the following standards apply:

75 | (a) In nonresidential areas, the substation must comply
76 | with the criteria for a setback and landscaped buffer area which
77 | apply to other similar uses in that district.

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78 (b) In residential areas, a setback of up to 100 feet
79 between the property boundary of the substation and permanent
80 equipment structures must be maintained as follows:

81 1. For setbacks between 100 feet and 50 feet, a landscaped
82 area having native trees and shrub material with a security
83 fence around the substation equipment must be installed,
84 creating an open green-space area.

85 2. For setbacks between 25 feet and 49 feet, a buffer wall
86 8 feet high or a fence 8 feet high with native landscaping must
87 be installed around the substation.

88 3. For setbacks of less than 25 feet, a decorative wall or
89 facade at least 10 feet in height with exterior native
90 landscaping must be installed around the substation.

91 (3) Standards for the siting of a substation that are
92 adopted after the effective date of this act do not apply to
93 applications for an electrical utility substation that were
94 submitted prior to notice of the adoption hearing by the local
95 government.

96 (4) (a) If a local government has adopted standards for the
97 siting of electrical substations within any of the land use and
98 zoning districts of the local government, the local government
99 shall approve or deny a properly completed application for a
100 permit to locate an electrical substation within the land use
101 and zoning district within 60 business days after the date the
102 properly completed application is declared complete in
103 accordance with the application procedures of the local
104 government, if issuance of such permit does not relieve the
105 applicant from complying with applicable federal or state laws

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106 or rules and applicable local land development or building
107 rules. If the local government fails to approve or deny a
108 properly completed application for an electrical substation
109 within the timeframes set forth, the application shall be deemed
110 automatically approved and the applicant may proceed with
111 construction consistent with its application without
112 interference or penalty.

113 (b) The local government shall notify the permit applicant
114 within 30 business days after the date the application is
115 submitted as to whether the application is, for administrative
116 purposes only, properly completed and has been properly
117 submitted. Further determinations of completeness shall be
118 provided within 15 days after the receipt of additional
119 information. However, such determination is not deemed an
120 approval of the application.

121 (5) This section does not affect the applicability and
122 enforceability of any existing local regulatory land use
123 procedures for conditional use or special exceptions that
124 provide for public input in a workshop or informational format
125 if the procedures are in effect as of the effective date of this
126 section. However, in a land use, conditional use, or special-
127 exception review of an electrical substation, the local
128 government is limited to imposing those standards and conditions
129 previously adopted under subsection (2), and public input may be
130 provided in a workshop or informational format.

131 Section 2. Section 163.3209, Florida Statutes, is created
132 to read:

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133 163.3209 Electrical transmission and distribution line
134 right-of-way maintenance.--After a right-of-way for any
135 electrical transmission or distribution line has been
136 established and constructed, a local government may not require
137 any permits or other approvals for vegetation maintenance and
138 tree pruning or trimming within the established right-of-way.
139 Before conducting vegetation-maintenance activities within an
140 established right-of-way, the utility shall provide the local
141 government with a minimum of 5 days' advance notice, except in
142 emergencies or when required to restore electric service. Upon
143 the request of the local government, the electric utility shall
144 meet with the local government to discuss and submit the
145 utility's vegetation-maintenance plan, including the utility's
146 trimming specifications and maintenance practices. Vegetation
147 maintenance shall conform to ANSI A300 (Part I)--2001 pruning
148 standards and ANSI Z133.1-2000 Pruning, Repairing, Maintaining,
149 and Removing Trees, and Cutting Brush--Safety Requirements.
150 Vegetation management conducted by utilities must be supervised
151 by qualified personnel from the electric utility or licensed
152 contractors under control of the utility or by certified
153 arborists certified by the International Society of
154 Arboriculture. A local government may not adopt an ordinance or
155 land development regulation that requires the planting of a tree
156 or other vegetation that will achieve a height greater than 14
157 feet in an established right-of-way for an electric utility or
158 intrude from the side closer than the clearance distance
159 specified in Table 2 of ANSI Z133.1-2000. For lines affected by
160 the North American Electric Reliability Council Standard, FAC

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161 003.1 requirement R1.2 applies. This section does not supersede
162 or nullify the terms of specific franchise agreements between an
163 electric utility and a local government and may not be construed
164 to limit the franchising authority of a local government. This
165 section does not supersede local government ordinances or rules
166 governing removal of specimen trees, historical trees, or trees
167 within canopy road protection areas.

168 Section 3. Section 186.0201, Florida Statutes, is created
169 to read:

170 186.0201 Electrical substation planning.--Electrical
171 utility substations respond to development, and consequently
172 siting locations cannot be precisely planned years in advance.
173 On or before June 1 of every year after the effective date of
174 this act, the electric utilities having service areas within
175 each regional planning council shall notify the regional
176 planning council of the utilities' current plans over a 3-year
177 period to site electrical substations within the local
178 governments contained within each region. This information is
179 advisory and must be included in the annual report of the
180 regional planning council prepared pursuant to s. 186.513.

181 Section 4. This act shall take effect upon becoming a law.