

CHAMBER ACTION

1 The Growth Management Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to electric transmission and distribution;
7 creating s. 163.3208, F.S.; providing legislative intent;
8 defining the term "distribution electric substation";
9 providing criteria for adoption and enforcement by a local
10 government of land development regulations for new
11 electric substations; providing that new substations are a
12 permitted use in all land use categories and zoning
13 districts within a utility's service territory; providing
14 for exceptions; providing standards which apply if a local
15 government does not adopt reasonable standards for
16 substation siting; providing for approval of an
17 application for development of a proposed distribution
18 electric substation when the application demonstrates that
19 the design is consistent with the local government's
20 applicable standards; providing for application of certain
21 local siting standards to applications received after
22 public notice of the adoption hearing on those standards;
23 providing a timeframe and procedures for a local

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24 government to approve or deny an application for an
25 electric substation; providing that the application is
26 deemed approved if not acted on within the timeframe;
27 providing for waiver of timeframes; authorizing the local
28 government to establish timeframes for certain required
29 information to be furnished; creating s. 163.3209, F.S.;
30 prohibiting local governments from requiring any permits
31 or approvals for certain vegetation maintenance in an
32 established electric transmission or distribution line
33 right-of-way; defining the term "vegetation maintenance
34 and tree pruning or trimming"; providing for a utility to
35 give notice to the local government before conducting such
36 vegetation-maintenance activities; providing for
37 exceptions; requiring the utility to provide its
38 vegetation-maintenance plan to the local government and
39 discuss it with the local government; specifying standards
40 for vegetation maintenance and tree pruning or trimming
41 conducted by utilities; providing for supervision of
42 vegetation maintenance and tree pruning or trimming
43 activities; limiting the height and clearance distance of
44 vegetation that may be required by a local government in
45 an established right-of-way of certain lines; providing
46 for application and construction with respect to local
47 franchise authority and ordinances or regulations
48 governing pruning, trimming, or removal of certain trees;
49 providing for application when a local government has
50 adopted a described plan for vegetation maintenance, tree
51 pruning, tree removal, and tree trimming within

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52 | established rights-of-way; creating s. 186.0201, F.S.;
53 | requiring electric utilities to notify the regional
54 | planning council of plans to site electric substations;
55 | providing for content of the notification; requiring that
56 | the information be included in the regional planning
57 | council's annual report and supplied to local governments
58 | under certain conditions; amending s. 186.513, F.S.;
59 | correcting a reference to a specified agency; providing
60 | for application to the Florida Electrical Power Plant
61 | Siting Act; providing an effective date.

62 |
63 | Be It Enacted by the Legislature of the State of Florida:

64 |
65 | Section 1. Section 163.3208, Florida Statutes, is created
66 | to read:

67 | 163.3208 Substation approval process.--

68 | (1) It is the intent of the Legislature to maintain,
69 | encourage, and ensure adequate and reliable electric
70 | infrastructure in the state. It is essential that electric
71 | infrastructure be constructed and maintained in various
72 | locations in order to ensure the efficient and reliable delivery
73 | of electric service. Electric infrastructure should be
74 | constructed, to the maximum extent practicable, to achieve
75 | compatibility with adjacent and surrounding land uses and the
76 | criteria included in this section are intended to balance the
77 | need for electricity with land use compatibility.

78 | (2) The term "distribution electric substation" means an
79 | electric substation which takes electricity from the

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80 transmission grid and converts it to a lower voltage so it can
81 be distributed to customers in the local area on the local
82 distribution grid through one or more distribution lines less
83 than 69 kilovolts in size.

84 (3) Electric substations are a critical component of
85 electric transmission and distribution. Local governments may
86 adopt and enforce reasonable land development regulations for
87 new distribution electric substations addressing only setback,
88 landscaping, buffering, screening, lighting, and other aesthetic
89 compatibility-based standards. Vegetated buffers or screening
90 beneath aerial access points to the substation equipment shall
91 not be required to have a mature height in excess of 14 feet.

92 (4) New distribution electric substations shall be a
93 permitted use in all land use categories in the applicable local
94 government comprehensive plan and zoning districts within a
95 utility's service territory except those designated as
96 preservation, conservation, or historic preservation on the
97 future land use map or duly adopted ordinance. If a local
98 government has not adopted reasonable standards for substation
99 siting in accordance with subsection (3), the following
100 standards shall apply to new distribution electric substations:

101 (a) In nonresidential areas, the substation must comply
102 with the setback and landscaped buffer area criteria applicable
103 to other similar uses in that district, if any.

104 (b) Unless the local government approves a lesser setback
105 or landscape requirement, in residential areas, a setback of up
106 to 100 feet between the substation property boundary and
107 permanent equipment structures shall be maintained as follows:

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108 1. For setbacks between 100 feet and 50 feet, an open
109 green space shall be formed by installing native landscaping,
110 including trees and shrub material, consistent with the relevant
111 local government's land development regulations. Substation
112 equipment shall be protected by a security fence consistent with
113 the relevant local government's land development regulations.

114 2. For setbacks of less than 50 feet, a buffer wall 8 feet
115 high or a fence 8 feet high with native landscaping consistent
116 with the relevant local government's regulations shall be
117 installed around the substation.

118 (5) If the application for a proposed distribution
119 electric substation demonstrates that the substation design is
120 consistent with the local government's applicable setback,
121 landscaping, buffering, screening, and other aesthetic
122 compatibility-based standards, the application for development
123 approval for the substation shall be approved.

124 (6) Substation siting standards adopted after the
125 effective date of this act shall not apply to electric utility
126 substation applications that were submitted prior to the notice
127 of the local government's adoption hearing.

128 (7) (a) If a local government has adopted standards for the
129 siting of electric substations within any of the local
130 government's land use categories or zoning districts, the local
131 government shall grant or deny a properly completed application
132 for a permit to locate an electric substation within the land
133 use category or zoning district within 90 days after the date
134 the properly completed application is declared complete in
135 accordance with the applicable local government application

136 procedures. If the local government fails to approve or deny a
137 properly completed application for an electric substation within
138 the timeframes set forth, the application shall be deemed
139 automatically approved and the applicant may proceed with
140 construction consistent with its application without
141 interference or penalty. Issuance of such local permit does not
142 relieve the applicant from complying with applicable federal or
143 state laws or regulations and other applicable local land
144 development or building regulations, if any.

145 (b) The local government shall notify the permit applicant
146 within 30 days after the date the application is submitted as to
147 whether the application is, for administrative purposes only,
148 properly completed and has been properly submitted. Further
149 completeness determinations shall be provided within 15 days
150 after the receipt of additional information. However, such
151 determination shall not be not deemed an approval of the
152 application.

153 (c) To be effective, a waiver of the timeframes set forth
154 in this subsection must be voluntarily agreed to by the utility
155 applicant and the local government. A local government may
156 request, but not require, a waiver of the timeframes by the
157 applicant, except that, with respect to a specific application,
158 a one-time waiver may be required in the case of a declared
159 local, state, or federal emergency that directly affects the
160 administration of all permitting activities of the local
161 government.

162 (d) The local government may establish reasonable
163 timeframes within which the required information to cure the

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164 application deficiency is to be provided or the application will
165 be considered withdrawn or closed.

166 Section 2. Section 163.3209, Florida Statutes, is created
167 to read:

168 163.3209 Electric transmission and distribution line
169 right-of-way maintenance.--After a right-of-way for any electric
170 transmission or distribution line has been established and
171 constructed, no local government shall require or apply any
172 permits or other approvals or code provisions for or related to
173 vegetation maintenance and tree pruning or trimming within the
174 established right-of-way. The term "vegetation maintenance and
175 tree pruning or trimming" means the mowing of vegetation within
176 the right-of-way, removal of trees or brush within the right-of-
177 way, and selective removal of tree branches that extend within
178 the right-of-way. The provisions of this section do not include
179 the removal of trees outside the right-of-way, which may be
180 allowed in compliance with applicable local ordinances. Prior to
181 conducting scheduled routine vegetation maintenance and tree
182 pruning or trimming activities within an established right-of-
183 way, the utility shall provide the local government with a
184 minimum of 5 business days' advance notice. Such advance notice
185 is not required for vegetation maintenance and tree pruning or
186 trimming required to restore electric service or to avoid an
187 imminent vegetation-caused outage or when performed at the
188 request of the property owner adjacent to the right-of-way,
189 provided that the owner has approval of the local government, if
190 needed. Upon the request of the local government, the electric
191 utility shall meet with the local government to discuss and

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192 submit the utility's vegetation maintenance plan, including the
 193 utility's trimming specifications and maintenance practices.
 194 Vegetation maintenance and tree pruning or trimming conducted by
 195 utilities shall conform to ANSI A300 (Part I)--2001 pruning
 196 standards and ANSI Z133.1-2000 Pruning, Repairing, Maintaining,
 197 and Removing Trees, and Cutting Brush--Safety Requirements.
 198 Vegetation maintenance and tree pruning or trimming conducted by
 199 utilities must be supervised by qualified electric utility
 200 personnel or licensed contractors trained to conduct vegetation
 201 maintenance and tree trimming or pruning consistent with this
 202 section or by Certified Arborists certified by the Certification
 203 Program of the International Society of Arboriculture. A local
 204 government shall not adopt an ordinance or land development
 205 regulation that requires the planting of a tree or other
 206 vegetation that will achieve a height greater than 14 feet in an
 207 established electric utility right-of-way or intrude from the
 208 side closer than the clearance distance specified in Table 2 of
 209 ANSI Z133.1-2000 for lines affected by the North American
 210 Electric Reliability Council Standard, FAC 003.1 requirement
 211 R1.2. This section does not supersede or nullify the terms of
 212 specific franchise agreements between an electric utility and a
 213 local government and shall not be construed to limit a local
 214 government's franchising authority. This section does not
 215 supersede local government ordinances or regulations governing
 216 pruning, trimming, or removal of specimen trees or historical
 217 trees, as defined in a local government's ordinances or
 218 regulations, or trees within canopy road protection areas. This
 219 section shall not apply if a local government has adopted a

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220 written plan, with concurrence from the applicable utility
221 provider, specifically for vegetation maintenance, tree pruning,
222 tree removal, and tree trimming within established rights-of-
223 way.

224 Section 3. Section 186.0201, Florida Statutes, is created
225 to read:

226 186.0201 Electric substation planning.--Electric utility
227 substations respond to development and, consequently, siting
228 locations cannot be precisely planned years in advance.
229 Nevertheless, on or before June 1 of every year after the
230 effective date of this act, the electric utilities with service
231 areas within each regional planning council shall notify the
232 regional planning council of the utilities' current plans over a
233 5-year period to site electric substations within the local
234 governments contained within each region, including an
235 identification of whether each electric substation planned
236 within a general area is a distribution or transmission electric
237 substation, a listing of the proposed substations' site acreage
238 needs and anticipated capacity, and maps showing general
239 locations of the planned electric substations. This information
240 is advisory, shall be included in the regional planning
241 council's annual report prepared pursuant to s. 186.513, and
242 shall be supplied directly to local governments requesting the
243 information.

244 Section 4. Section 186.513, Florida Statutes, is amended
245 to read:

246 186.513 Reports.--Each regional planning council shall
247 prepare and furnish an annual report on its activities to the

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248 | state land planning agency as defined in s. 163.3164(20)
249 | ~~department~~ and the local general-purpose governments within its
250 | boundaries and, upon payment as may be established by the
251 | council, to any interested person. The regional planning
252 | councils shall make a joint report and recommendations to
253 | appropriate legislative committees.

254 | Section 5. Nothing in this act is intended to supersede
255 | the provisions of part II of chapter 403, Florida Statutes.

256 | Section 6. This act shall take effect upon becoming a law.