

Bill No. SB 980

Barcode 572456

CHAMBER ACTION

Senate

House

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The Committee on Community Affairs (Bennett) recommended the following amendment:

**Senate Amendment**

Delete everything after the enacting clause

and insert:

Section 1. Section 163.3207, Florida Statutes is created to read:

163.3207 Substation approval process.--

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

(2) Electrical substations are a critical component of electrical transmission and distribution. Local governments may adopt and enforce reasonable land development regulations for new substations addressing only setback, landscaping, buffering, screening, and other aesthetic compatibility based

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1 standards. Vegetated buffers or screening beneath aerial  
2 access points to the substation equipment may not be required  
3 to have a mature height in excess of 14 feet. New substations  
4 shall be a permittable use in all land use categories in the  
5 applicable local government comprehensive plan and in zoning  
6 districts within the service territory of a utility, except  
7 those designated as preservation or conservation land on the  
8 future land use map or in a duly adopted ordinance. If a local  
9 government has not adopted reasonable standards for substation  
10 siting in accordance with applicable adoption procedures,  
11 including public hearings, the following standards apply:

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

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

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

22 2. For setbacks between 25 feet and 49 feet, an 8-foot  
23 buffer wall or 8-foot fence with native landscaping must be  
24 installed around the substation.

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

28 (3) Standards for the siting of a substation which are  
29 adopted after the effective date of this act do not apply to  
30 applications for an electrical utility substation which were  
31 submitted prior to notice of the adoption hearing by the local

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1 government.

2       (4)(a) If a local government has adopted standards for  
3 the siting of electrical substations within any of the land  
4 use and zoning districts of the local government, the local  
5 government shall grant or deny a properly completed  
6 application for a permit to locate an electrical substation  
7 within the land use and zoning district within 60 business  
8 days after the date the properly completed application is  
9 declared complete in accordance with the application  
10 procedures of the local government, if issuance of such permit  
11 does not relieve the applicant from complying with applicable  
12 federal or state laws or rules and applicable local land  
13 development or building rules. If the local government fails  
14 to grant or deny a properly completed application for an  
15 electrical substation within the timeframes set forth, the  
16 application shall be deemed automatically approved and the  
17 applicant may proceed with construction consistent with its  
18 application without interference or penalty.

19       (b) The local government shall notify the permit  
20 applicant within 30 business days after the date the  
21 application is submitted as to whether the application is, for  
22 administrative purposes only, properly completed and has been  
23 properly submitted. Further determinations of completeness  
24 shall be provided within 15 days after the receipt of  
25 additional information. However, such determination is not  
26 deemed as an approval of the application.

27       (5) This section does not affect the applicability and  
28 enforceability of any existing local regulatory land use  
29 procedures for conditional use or special exceptions which  
30 provide for public input in a workshop or informational format  
31 if such are in effect as of the effective date of this

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1 section. However, in a land use, conditional use, or  
 2 special-exception review of an electrical substation, the  
 3 local government is limited to imposing those standards and  
 4 conditions previously adopted under subsection (2), and public  
 5 input may be provided in a workshop or informational format.

6 Section 2. Section 163.3209, Florida Statutes, is  
 7 created to read:

8 163.3209 Electrical transmission and distribution line  
 9 right-of-way maintenance.--After a right-of-way for any  
 10 electrical transmission or distribution line has been  
 11 established and constructed, a local government may not  
 12 require any permits or other approvals for vegetation  
 13 maintenance and tree pruning or trimming within the  
 14 established right-of-way. Before conducting  
 15 vegetation-maintenance activities within an established  
 16 right-of-way, the utility shall provide the local government  
 17 with a minimum of 5 days' advance notice, except in  
 18 emergencies or when required to restore electric service. Upon  
 19 the request of the local government, the electric utility  
 20 shall meet with the local government to discuss and submit the  
 21 utility's vegetation-maintenance plan, including the utility's  
 22 trimming specifications and maintenance practices. Vegetation  
 23 maintenance shall conform to ANSI A300 (Part I) - 2001 pruning  
 24 standards and ANSI Z133.1-2000 Pruning, Repairing,  
 25 Maintaining, and Removing Trees, and Cutting Brush - Safety  
 26 Requirements. Vegetation management conducted by utilities  
 27 must be supervised by qualified personnel from the electric  
 28 utility or licensed contractors under control of the utility  
 29 or by certified arborists certified by the International  
 30 Society of Arboriculture. A local government may not adopt an  
 31 ordinance or land development regulation that requires the

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1 planting of a tree or other vegetation that will achieve a  
2 height greater than 14 feet in an established right-of-way for  
3 an electric utility or intrude from the side closer than the  
4 clearance distance specified in Table 2 of ANSI Z133.1-2000.  
5 For lines affected by the North American Electric Reliability  
6 Council Standard, FAC 003.1 requirement R1.2 applies. This  
7 section does not supersede or nullify the terms of specific  
8 franchise agreements between an electric utility and a local  
9 government, and may not be construed to limit the franchising  
10 authority of a local government. This section does not  
11 supersede local government ordinances or rules governing  
12 removal of specimen trees, historical trees, or trees within  
13 canopy road protection areas.

14 Section 3. Section 186.008, Florida Statutes, is  
15 created to read:

16 186.008 Electrical substation planning.--Electrical  
17 utility substations respond to development and consequently  
18 siting locations cannot be precisely planned years in advance.  
19 On or before June 1st of every year after the effective date  
20 of this act, the electric utilities having service areas  
21 within each regional planning council shall notify the  
22 regional planning council of the utilities' current plans over  
23 a 3-year period to site electrical substations within the  
24 local governments contained within each region. This  
25 information is advisory and must be included in the annual  
26 report of the regional planning council prepared pursuant to  
27 s. 186.513.

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

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

2 And the title is amended as follows:

3           Delete everything before the enacting clause

4

5 and insert:

6                           A bill to be entitled

7           An act relating to energy reliability; creating

8           s. 163.3207, F.S.; providing an approval

9           process for the siting of an electrical

10          substation; creating s. 163.3209, F.S.;

11          providing for right-of-way maintenance for

12          electrical power lines; creating s. 186.008,

13          F.S.; providing for the submission of

14          substation plans as part of the annual regional

15          planning council report; providing an effective

16          date.

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