

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

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

5 163.3207 Substation approval process.--

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

12 (2) Electrical substations are a critical component of
13 electrical transmission and distribution. Local governments
14 may adopt and enforce reasonable land development regulations
15 for new substations addressing only setback, landscaping,
16 buffering, screening, and other aesthetic compatibility based
17 standards. Vegetated buffers or screening beneath aerial
18 access points to the substation equipment may not be required
19 to have a mature height in excess of 14 feet. New substations
20 shall be a permissible use in all land use categories in the
21 applicable local government comprehensive plan and in zoning
22 districts within the service territory of a utility, except
23 those designated as preservation or conservation land on the
24 future land use map or in a duly adopted ordinance. If a local
25 government has not adopted reasonable standards for substation
26 siting in accordance with applicable adoption procedures,
27 including public hearings, the following standards apply:

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

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

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

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

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

14 (3) Standards for the siting of a substation which are
15 adopted after the effective date of this act do not apply to
16 applications for an electrical utility substation which were
17 submitted prior to notice of the adoption hearing by the local
18 government.

19 (4)(a) If a local government has adopted standards for
20 the siting of electrical substations within any of the land
21 use and zoning districts of the local government, the local
22 government shall grant or deny a properly completed
23 application for a permit to locate an electrical substation
24 within the land use and zoning district within 60 business
25 days after the date the properly completed application is
26 declared complete in accordance with the application
27 procedures of the local government, if issuance of such permit
28 does not relieve the applicant from complying with applicable
29 federal or state laws or rules and applicable local land
30 development or building rules. If the local government fails
31 to grant or deny a properly completed application for an

1 electrical substation within the timeframes set forth, the
2 application shall be deemed automatically approved and the
3 applicant may proceed with construction consistent with its
4 application without interference or penalty.

5 (b) The local government shall notify the permit
6 applicant within 30 business days after the date the
7 application is submitted as to whether the application is, for
8 administrative purposes only, properly completed and has been
9 properly submitted. Further determinations of completeness
10 shall be provided within 15 days after the receipt of
11 additional information. However, such determination is not
12 deemed as an approval of the application.

13 (5) This section does not affect the applicability and
14 enforceability of any existing local regulatory land use
15 procedures for conditional use or special exceptions which
16 provide for public input in a workshop or informational format
17 if such are in effect as of the effective date of this
18 section. However, in a land use, conditional use, or
19 special-exception review of an electrical substation, the
20 local government is limited to imposing those standards and
21 conditions previously adopted under subsection (2), and public
22 input may be provided in a workshop or informational format.

23 Section 2. Section 163.3209, Florida Statutes, is
24 created to read:

25 163.3209 Electrical transmission and distribution line
26 right-of-way maintenance.--After a right-of-way for any
27 electrical transmission or distribution line has been
28 established and constructed, a local government may not
29 require any permits or other approvals for vegetation
30 maintenance and tree pruning or trimming within the
31 established right-of-way. Before conducting

1 vegetation-maintenance activities within an established
2 right-of-way, the utility shall provide the local government
3 with a minimum of 5 days' advance notice, except in
4 emergencies or when required to restore electric service. Upon
5 the request of the local government, the electric utility
6 shall meet with the local government to discuss and submit the
7 utility's vegetation-maintenance plan, including the utility's
8 trimming specifications and maintenance practices. Vegetation
9 maintenance shall conform to ANSI A300 (Part I) - 2001 pruning
10 standards and ANSI Z133.1-2000 Pruning, Repairing,
11 Maintaining, and Removing Trees, and Cutting Brush - Safety
12 Requirements. Vegetation management conducted by utilities
13 must be supervised by qualified personnel from the electric
14 utility or licensed contractors under control of the utility
15 or by certified arborists certified by the International
16 Society of Arboriculture. A local government may not adopt an
17 ordinance or land development regulation that requires the
18 planting of a tree or other vegetation that will achieve a
19 height greater than 14 feet in an established right-of-way for
20 an electric utility or intrude from the side closer than the
21 clearance distance specified in Table 2 of ANSI Z133.1-2000.
22 For lines affected by the North American Electric Reliability
23 Council Standard, FAC 003.1 requirement R1.2 applies. This
24 section does not supersede or nullify the terms of specific
25 franchise agreements between an electric utility and a local
26 government, and may not be construed to limit the franchising
27 authority of a local government. This section does not
28 supersede local government ordinances or rules governing
29 removal of specimen trees, historical trees, or trees within
30 canopy road protection areas.

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1 Section 3. Section 186.008, Florida Statutes, is
2 created to read:

3 186.008 Electrical substation planning.--Electrical
4 utility substations respond to development and consequently
5 siting locations cannot be precisely planned years in advance.
6 On or before June 1st of every year after the effective date
7 of this act, the electric utilities having service areas
8 within each regional planning council shall notify the
9 regional planning council of the utilities' current plans over
10 a 3-year period to site electrical substations within the
11 local governments contained within each region. This
12 information is advisory and must be included in the annual
13 report of the regional planning council prepared pursuant to
14 s. 186.513.

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

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 Senate Bill 980

21 The committee substitute for SB 980 (CS) provides standards
22 for setbacks and landscape buffers which apply if a local
23 government does not adopt reasonable standards for siting an
24 electrical substation. The CS provides a timeframe for local
25 governments that have adopted standards for siting an
26 electrical substation in a land use or zoning district to
27 grant or deny an application to site an electrical substation.
28 The CS requires a utility to give the local government 5 days'
29 advance notice before conducting vegetation-maintenance
30 activities in an established right-of-way. It also specifies
31 standards for vegetation maintenance and limits the types of
trees or vegetation that may be planted in an established
right-of-way for an electric utility. Finally, the CS requires
an electric utility to provide the applicable regional
planning council with a report on the utility's 3-year plans
for siting electrical substations and this information is to
be included in the regional planning council's annual report.