## Florida Senate - 2006

## CS for SB 980

By the Committee on Community Affairs; and Senator Alexander

578-1732-06

1	A bill to be entitled
2	An act relating to energy reliability; creating
3	s. 163.3207, F.S.; providing legislative
4	intent; providing that new substations are a
5	permittable use in all land use categories and
6	zoning districts within a utility's service
7	territory; providing standards if a local
8	government does not adopt reasonable standards
9	for substation siting; providing an exemption;
10	providing a timeframe for a local government to
11	grant or deny an application for an electrical
12	substation or the application is deemed
13	approved; providing for public input; creating
14	s. 163.3209, F.S.; prohibiting local
15	governments from requiring any permits or other
16	approvals for vegetation maintenance in an
17	established electrical transmission or
18	distribution line right-of-way; requiring a
19	utility to give a local government 5 days'
20	advance notice before conducting
21	vegetation-maintenance activities in an
22	established right-of-way; specifying standards
23	for vegetation maintenance; limiting the height
24	of a tree or other vegetation which may be
25	required by a local government in an
26	established right-of-way; providing an
27	exemption; creating s. 186.008, F.S.; providing
28	for the submission of substation plans as part
29	of the annual regional planning council report;
30	providing an effective date.
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Florida Senate - 2006 578-1732-06
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Be It Enacted by the Legislature of the State of Florida: 1 2 3 Section 1. Section 163.3207, Florida Statutes, is 4 created to read: 5 163.3207 Substation approval process.-б (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 infrastructure be constructed and maintained in various 9 10 locations in order to ensure the efficient and reliable delivery of electric service. 11 12 (2) Electrical substations are a critical component of 13 electrical transmission and distribution. Local governments may adopt and enforce reasonable land development regulations 14 for new substations addressing only setback, landscaping, 15 buffering, screening, and other aesthetic compatibility based 16 17 standards. Vegetated buffers or screening beneath aerial 18 access points to the substation equipment may not be required to have a mature height in excess of 14 feet. New substations 19 shall be a permittable use in all land use categories in the 2.0 21 applicable local government comprehensive plan and in zoning 2.2 districts within the service territory of a utility, except 23 those designated as preservation or conservation land on the future land use map or in a duly adopted ordinance. If a local 2.4 government has not adopted reasonable standards for substation 25 siting in accordance with applicable adoption procedures, 26 27 including public hearings, the following standards apply: 2.8 (a) In nonresidential areas, the substation must comply with the criteria for a setback and landscaped buffer 29 30 area which apply to other similar uses in that district. 31

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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	<u>section. However, in a land use, conditional use, or</u>
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	<u>input may be provided in a workshop or informational format.</u>
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 maintenanceAfter 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

2right-of-way, the utility shall provide the local government3with a minimum of 5 days' advance notice, except in4emergencies or when required to restore electric service. Upon5the request of the local government, the electric utility6shall meet with the local government to discuss and submit the7utility's vegetation-maintenance plan, including the utility's8trimming specifications and maintenance practices. Vegetation9maintenance shall conform to ANSI A300 (Part I) - 2001 pruning10standards and ANSI Z133.1-2000 Pruning, Repairing.11Maintaining, and Removing Trees, and Cutting Brush - Safety12Requirements. Vegetation management conducted by utilities13must be supervised by qualified personnel from the electric14utility or licensed contractors under control of the utility15or by certified arborists certified by the International16Society of Arboriculture. A local government may not adopt an17ordinance or land development regulation that requires the18planting of a tree or other vegetation that will achieve a19height greater than 14 feet in an established right-of-way for20an electric utility or intrude from the side closer than the21clearance distance specified in Table 2 of ANSI Z13.1-2000.22For lines affected by the North American Electric Reliability23Council Standard, FAC 003.1 requirement R1.2 applies. This24section does not supersede or nullify the terms of specific25franc	1	vegetation-maintenance activities within an established
4emergencies or when required to restore electric service. Upon5the request of the local government, the electric utility6shall meet with the local government to discuss and submit the7utility's vegetation-maintenance plan, including the utility's8trimming specifications and maintenance practices. Vegetation9maintenance shall conform to ANSI A300 (Part I) - 2001 pruning10standards and ANSI Z133.1-2000 Pruning, Repairing.11Maintaining, and Removing Trees, and Cutting Brush - Safety12Requirements. Vegetation management conducted by utilities13must be supervised by qualified personnel from the electric14utility or licensed contractors under control of the utility15or by certified arborists certified by the International16Society of Arboriculture. A local government may not adopt an17ordinance or land development regulation that requires the18planting of a tree or other vegetation that will achieve a19height greater than 14 feet in an established right-of-way for20an electric utility or intrude from the side closer than the21clearance distance specified in Table 2 of ANSI Z133.1-2000.22For lines affected by the North American Electric Reliability23section does not supersede or nullify the terms of specific24gravenment, and may not be construed to limit the franchising25authority of a local government. This section does not26supersede local government ordinances or rules governing27	2	right-of-way, the utility shall provide the local government
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<ul> <li>shall meet with the local government to discuss and submit the utility's vegetation-maintenance plan, including the utility's</li> <li>trimming specifications and maintenance practices. Vegetation maintenance shall conform to ANSI A300 (Part I) - 2001 pruning</li> <li>standards and ANSI Z133.1-2000 Pruning, Repairing,</li> <li>Maintaining, and Removing Trees, and Cutting Brush - Safety</li> <li>Requirements. Vegetation management conducted by utilities</li> <li>must be supervised by qualified personnel from the electric</li> <li>utility or licensed contractors under control of the utility</li> <li>or by certified arborists certified by the International</li> <li>Society of Arboriculture. A local government may not adopt an</li> <li>ordinance or land development regulation that requires the</li> <li>planting of a tree or other vegetation that will achieve a</li> <li>height greater than 14 feet in an established right-of-way for</li> <li>an electric utility or intrude from the side closer than the</li> <li>clearance distance specified in Table 2 of ANSI Z133.1-2000.</li> <li>For lines affected by the North American Electric Reliability</li> <li>Council Standard, FAC 003.1 requirement R1.2 applies. This</li> <li>section does not supersede or nullify the terms of specific</li> <li>franchise agreements between an electric utility and a local</li> <li>government, and may not be construed to limit the franchising</li> <li>authority of a local government. This section does not</li> <li>supersede local government ordinances or rules governing</li> <li>removal of specimen trees, historical trees, or trees within</li> <li>canopy road protection areas.</li> </ul>	4	emergencies or when required to restore electric service. Upon
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28 <u>supersede local government ordinances or rules governing</u> 29 <u>removal of specimen trees, historical trees, or trees within</u> 30 <u>canopy road protection areas.</u>	26	government, and may not be construed to limit the franchising
29 removal of specimen trees, historical trees, or trees within 30 canopy road protection areas.	27	authority of a local government. This section does not
30 <u>canopy road protection areas.</u>	28	supersede local government ordinances or rules governing
	29	removal of specimen trees, historical trees, or trees within
31	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 planningElectrical
4	utility substations respond to development and consequently
5	siting locations cannot be precisely planned years in advance.
6	<u>On or before June 1st of every year after the effective date</u>
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	<u>s. 186.513.</u>
15	Section 4. This act shall take effect upon becoming a
16	law.
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18	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
19	<u>Senate Bill 980</u>
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21	The committee substitute for SB 980 (CS) provides standards for setbacks and landscape buffers which apply if a local
22	government does not adopt reasonable standards for siting an electrical substation. The CS provides a timeframe for local
23	governments that have adopted standards for siting an electrical substation in a land use or zoning district to
24	grant or deny an application to site an electrical substation. The CS requires a utility to give the local government 5 days'
25	advance notice before conducting vegetation-maintenance activities in an established right-of-way. It also specifies
26	standards for vegetation maintenance and limits the types of trees or vegetation that may be planted in an established
27	right-of-way for an electric utility. Finally, the CS requires an electric utility to provide the applicable regional
28 29	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.
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