



132156

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/15/2018	.	
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The Committee on Community Affairs (Steube) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 163.3209, Florida Statutes, is amended  
to read:

163.3209 Electric transmission and distribution line right-  
of-way maintenance.—After a right-of-way for any electric  
transmission or distribution line has been established and  
constructed, no local government shall require or apply any



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11 permits or other approvals or code provisions for or related to  
12 vegetation maintenance and tree pruning or trimming within the  
13 established right-of-way. The term "vegetation maintenance and  
14 tree pruning or trimming" means the mowing of vegetation within  
15 the right-of-way, removal of trees or brush within the right-of-  
16 way, and selective removal of tree branches that extend within  
17 the right-of-way. The provisions of this section do not include  
18 the removal of trees outside the right-of-way, which may be  
19 allowed in compliance with applicable local ordinances. Prior to  
20 conducting scheduled routine vegetation maintenance and tree  
21 pruning or trimming activities within an established right-of-  
22 way, the utility shall provide the official designated by the  
23 local government with a minimum of 5 business days' advance  
24 notice. Such advance notice is not required for vegetation  
25 maintenance and tree pruning or trimming required to restore  
26 electric service or to avoid an imminent vegetation-caused  
27 outage or when performed at the request of the property owner  
28 adjacent to the right-of-way, provided that the owner has  
29 approval of the local government, if needed. Upon the request of  
30 the local government, the electric utility shall meet with the  
31 local government to discuss and submit the utility's vegetation  
32 maintenance plan, including the utility's trimming  
33 specifications and maintenance practices. Vegetation maintenance  
34 and tree pruning or trimming conducted by utilities shall  
35 conform to ANSI A300 (Part I)-2001 pruning standards and ANSI  
36 Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees,  
37 and Cutting Brush-Safety Requirements. Vegetation maintenance  
38 and tree pruning or trimming conducted by utilities must be  
39 supervised by qualified electric utility personnel or licensed



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40 contractors trained to conduct vegetation maintenance and tree  
41 trimming or pruning consistent with this section or by Certified  
42 Arborists certified by the Certification Program of the  
43 International Society of Arboriculture. A local government shall  
44 not adopt an ordinance or land development regulation that  
45 requires the planting of a tree or other vegetation that will  
46 achieve a height greater than 14 feet in an established electric  
47 utility right-of-way or intrude from the side closer than the  
48 clearance distance specified in Table 2 of ANSI Z133.1-2000 for  
49 lines affected by the North American Electric Reliability  
50 Council Standard, FAC 003.1 requirement R1.2. This section does  
51 not supersede or nullify the terms of specific franchise  
52 agreements between an electric utility and a local government  
53 and shall not be construed to limit a local government's  
54 franchising authority. ~~This section does not supersede local  
55 government ordinances or regulations governing planting,  
56 pruning, trimming, or removal of specimen trees or historical  
57 trees, as defined in a local government's ordinances or  
58 regulations, or trees within designated canopied protection  
59 areas. This section shall not apply if a local government  
60 develops, with input from the utility, and the local government  
61 adopts, a written plan specifically for vegetation maintenance,  
62 tree pruning, tree removal, and tree trimming by the utility  
63 within the local government's established rights-of-way and the  
64 plan is not inconsistent with the minimum requirements of the  
65 National Electrical Safety Code as adopted by the Public Service  
66 Commission; provided, however, such a plan shall not require the  
67 planting of a tree or other vegetation that will achieve a  
68 height greater than 14 feet in an established electric right-of-~~



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69 way. Vegetation maintenance costs are ~~shall be~~ considered  
70 recoverable costs.

71 Section 2. Section 589.37, Florida Statutes, is created to  
72 read:

73 589.37 Regulation of tree, timber, and vegetation trimming  
74 and removal performed by certain governmental entities  
75 prohibited.-

76 (1) The Legislature finds that uncontrolled growth of trees  
77 or vegetation within rights-of-way owned or managed by the  
78 state, water management districts, water control districts,  
79 neighborhood improvement districts, independent special  
80 districts, or community development districts interferes with  
81 the operation and maintenance of flood protection and drainage  
82 infrastructure, including, but not limited to, canals, which are  
83 critical to the protection of the health, safety, and general  
84 welfare of the public.

85 (2) Where the state or a water management district, a water  
86 control district created under chapter 298, a neighborhood  
87 improvement district created under chapter 163, an independent  
88 special district, or a community development district created  
89 under chapter 190, has a duty to maintain any rights-of-way, a  
90 municipality, county, or other political subdivision of the  
91 state may not prohibit, restrict, or condition, or require a  
92 permit, fee, or mitigation for, the trimming or removal of  
93 trees, timber, or vegetation.

94 (3) This section does not prohibit the licensing and  
95 regulation by municipalities or counties of persons engaged in  
96 tree, timber, or vegetation trimming or removal.

97 Section 3. This act shall take effect July 1, 2018.



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

100 And the title is amended as follows:

101 Delete everything before the enacting clause  
102 and insert:

103 A bill to be entitled  
104 An act relating to tree, timber, and vegetation  
105 trimming and removal; amending s. 163.3209, F.S.;  
106 revising applicability of a provision relating to  
107 vegetation maintenance and tree pruning or trimming  
108 within an established electric transmission and  
109 distribution line right-of-way; creating s. 589.37,  
110 F.S.; providing legislative findings; prohibiting the  
111 regulation of tree, timber, and vegetation trimming  
112 and removal performed by certain governmental entities  
113 under certain circumstances; providing applicability;  
114 providing an effective date.