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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
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The Committee on Community Affairs (Flores) 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



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 shall be considered
70 recoverable costs.

71 Section 2. Section 163.3214, Florida Statutes, is created
72 to read:

73 163.3214 Tree pruning, trimming, or removal on residential
74 property.-

75 (1) A local government may not enforce an ordinance or
76 regulation governing the pruning, trimming, or removal of trees
77 on residential property which requires a permit, an application,
78 the provision of notice, a fee, or a fine when the following
79 applies:

80 (a) The residential property is in a county that is under a
81 tropical storm or hurricane watch or under a declared state of
82 emergency; and

83 (b) The property owner has obtained from an arborist who is
84 certified by a certification program of the International
85 Society of Arboriculture proof that the tree is damaged,
86 diseased, or pest-infested or presents a danger to others or to
87 property.

88 (2) All tree debris material removed pursuant to subsection
89 (1) must be cleared from the residential property within 24
90 hours after the material has been removed.

91 (3) A local government may require a property owner to
92 replant a tree that has been removed in accordance with this
93 section.

94 Section 3. This act shall take effect July 1, 2019.

95
96 ===== T I T L E A M E N D M E N T =====

97 And the title is amended as follows:



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98 Delete everything before the enacting clause
99 and insert:

100 A bill to be entitled
101 An act relating to private property rights; amending
102 s. 163.3209, F.S.; deleting a provision that
103 authorizes electric utilities to perform certain
104 right-of-way tree maintenance only if a property owner
105 has received local government approval; creating s.
106 163.3214, F.S.; prohibiting certain local government
107 ordinances or regulations from requiring a permit,
108 application, notice, fee, or fine for certain
109 activities regarding trees on residential property;
110 requiring tree debris material to be removed from the
111 property within a specified timeframe; authorizing a
112 local government to require a property owner to
113 replant a tree under certain circumstances; providing
114 an effective date.