

By the Committees on Judiciary; and Community Affairs; and
Senator Albritton

590-04031-19

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1 A bill to be entitled
2 An act relating to private property rights; amending
3 s. 163.3209, F.S.; deleting a provision that
4 authorizes electric utilities to perform certain
5 right-of-way tree maintenance only if a property owner
6 has received local government approval; creating s.
7 163.3214, F.S.; prohibiting certain local government
8 ordinances or regulations from requiring a permit,
9 application, notice, fee, or fine for certain
10 activities regarding trees on residential property;
11 prohibiting a local government from authorizing the
12 removal of certain trees during a specified time
13 period; authorizing a local government to enforce
14 ordinances or regulations pertaining to the replanting
15 of trees under certain circumstances; providing
16 applicability; creating s. 715.015, F.S.; establishing
17 a property owner bill of rights; requiring each county
18 property appraiser office to provide information
19 regarding the property owner bill of rights on the
20 appraiser's website; providing that such bill of
21 rights does not provide a cause of action; providing
22 an effective date.

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

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

28 163.3209 Electric transmission and distribution line right-
29 of-way maintenance.—After a right-of-way for any electric

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30 transmission or distribution line has been established and
31 constructed, no local government shall require or apply any
32 permits or other approvals or code provisions for or related to
33 vegetation maintenance and tree pruning or trimming within the
34 established right-of-way. The term "vegetation maintenance and
35 tree pruning or trimming" means the mowing of vegetation within
36 the right-of-way, removal of trees or brush within the right-of-
37 way, and selective removal of tree branches that extend within
38 the right-of-way. The provisions of this section do not include
39 the removal of trees outside the right-of-way, which may be
40 allowed in compliance with applicable local ordinances. Prior to
41 conducting scheduled routine vegetation maintenance and tree
42 pruning or trimming activities within an established right-of-
43 way, the utility shall provide the official designated by the
44 local government with a minimum of 5 business days' advance
45 notice. Such advance notice is not required for vegetation
46 maintenance and tree pruning or trimming required to restore
47 electric service or to avoid an imminent vegetation-caused
48 outage or when performed at the request of the property owner
49 adjacent to the right-of-way, ~~provided that the owner has~~
50 ~~approval of the local government, if needed.~~ Upon the request of
51 the local government, the electric utility shall meet with the
52 local government to discuss and submit the utility's vegetation
53 maintenance plan, including the utility's trimming
54 specifications and maintenance practices. Vegetation maintenance
55 and tree pruning or trimming conducted by utilities shall
56 conform to ANSI A300 (Part I)-2001 pruning standards and ANSI
57 Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees,
58 and Cutting Brush-Safety Requirements. Vegetation maintenance

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59 and tree pruning or trimming conducted by utilities must be
60 supervised by qualified electric utility personnel or licensed
61 contractors trained to conduct vegetation maintenance and tree
62 trimming or pruning consistent with this section or by Certified
63 Arborists certified by the Certification Program of the
64 International Society of Arboriculture. A local government shall
65 not adopt an ordinance or land development regulation that
66 requires the planting of a tree or other vegetation that will
67 achieve a height greater than 14 feet in an established electric
68 utility right-of-way or intrude from the side closer than the
69 clearance distance specified in Table 2 of ANSI Z133.1-2000 for
70 lines affected by the North American Electric Reliability
71 Council Standard, FAC 003.1 requirement R1.2. This section does
72 not supersede or nullify the terms of specific franchise
73 agreements between an electric utility and a local government
74 and shall not be construed to limit a local government's
75 franchising authority. This section does not supersede local
76 government ordinances or regulations governing planting,
77 pruning, trimming, or removal of specimen trees or historical
78 trees, as defined in a local government's ordinances or
79 regulations, or trees within designated canopied protection
80 areas. This section shall not apply if a local government
81 develops, with input from the utility, and the local government
82 adopts, a written plan specifically for vegetation maintenance,
83 tree pruning, tree removal, and tree trimming by the utility
84 within the local government's established rights-of-way and the
85 plan is not inconsistent with the minimum requirements of the
86 National Electrical Safety Code as adopted by the Public Service
87 Commission; provided, however, such a plan shall not require the

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88 planting of a tree or other vegetation that will achieve a
89 height greater than 14 feet in an established electric right-of-
90 way. Vegetation maintenance costs shall be considered
91 recoverable costs.

92 Section 2. Section 163.3214, Florida Statutes, is created
93 to read:

94 163.3214 Tree pruning, trimming, or removal on residential
95 property.-

96 (1) From March 1 through June 1 of the calendar year, a
97 local government may not do either of the following:

98 (a) If the property owner has obtained documentation from
99 an arborist certified by the International Society of
100 Arboriculture that the tree is a danger to persons or property
101 and the tree is not a listed endangered species, enforce an
102 ordinance or regulation governing the pruning or trimming of
103 specimen, heritage, or patriarch trees, as defined by local
104 ordinances or regulations, or the pruning, trimming, or removal
105 of other trees on residential property which requires a permit,
106 an application, the provision of notice, a fee, or a fine.

107 (b) Authorize the removal of specimen, heritage, or
108 patriarch trees, as defined by local ordinances or regulations.

109 (2) A local government may enforce ordinances or
110 regulations pertaining to the replanting of trees that have been
111 removed in accordance with this section.

112 (3) This section does not apply to the exercise of
113 specifically delegated authority for mangrove protection
114 pursuant to ss. 403.9321-403.9333.

115 Section 3. Section 715.015, Florida Statutes, is created to
116 read:

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117 715.015 Property owner bill of rights.—Each property
118 appraiser office shall provide on its website a property owner
119 bill of rights. The purpose of the bill of rights is to identify
120 certain existing rights afforded to property owners. The bill of
121 rights is not a comprehensive listing. The property owner bill
122 of rights does not create a civil cause of action. The property
123 owner bill of rights must state:

124
125 PROPERTY OWNER

126 BILL OF RIGHTS

127 This Bill of Rights does not represent all of
128 your rights under Florida law regarding your property
129 and should not be viewed as a comprehensive guide to
130 property rights. This document does not create a civil
131 cause of action and neither expands nor limits any
132 rights or remedies provided under any other law. This
133 document is not intended to replace the need to seek
134 legal advice in matters relating to property law. Laws
135 relating to your rights are found in the Florida
136 Constitution, the Florida Statutes, local ordinances,
137 and court decisions.

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139 As a property owner, you have the following
140 rights and protections:

141 1. The right to acquire, possess, and protect
142 property.

143 2. The right to use and enjoyment of property.

144 3. The right to exclude others from property.

145 4. The right to dispose of property.

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5. The right to due process.
6. The right to just compensation for property
taken for a public purpose.
7. The right to relief, or payment of
compensation, when a new law, rule, regulation, or
ordinance of the state or a political entity in the
state unfairly affects real property.
Section 4. This act shall take effect July 1, 2019.