

By Senator Rodriguez

40-00303-23

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1 A bill to be entitled
2 An act relating to trees and vegetation within the
3 rights-of-way of certain roads and rail corridors;
4 amending s. 337.405, F.S.; providing that the
5 prohibition against the removal, cutting, marring,
6 defacing, or destruction of trees or other vegetation
7 in certain rights-of-way does not apply if the
8 Department of Transportation suspends such prohibition
9 pursuant to a declared state of emergency; requiring
10 the department to adopt guidelines for removal of
11 debris from certain emergencies; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 337.405, Florida Statutes, is amended to
17 read:

18 337.405 Trees or other vegetation within rights-of-way of
19 State Highway System or publicly owned rail corridors;
20 prohibited acts; exceptions; penalties; debris removal
21 guidelines required ~~removal or damage; penalty.-~~

22 (1) The removal, cutting, marring, defacing, or destruction
23 of any trees or other vegetation, either by direct personal
24 action or by causing any other person to take such action,
25 within the rights-of-way of roads located on the State Highway
26 System or within publicly owned rail corridors is prohibited
27 unless one of the following applies:

28 (a) The department suspends this subsection pursuant to a
29 declaration of a state of emergency.

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30 (b) The department grants ~~Prior~~ written permission before
31 the removal or cutting of ~~to remove or cut~~ such trees or other
32 vegetation. ~~has been granted by the department, except where~~

33 (c) Normal tree trimming is required to ensure the safe
34 operation of utility facilities and such tree trimming is
35 performed in accordance with the provisions of the department's
36 ~~its~~ utility accommodations guide, and any subsequent amendments
37 thereto. The department shall adopt rules to implement ~~for the~~
38 ~~implementation of this paragraph section~~ to achieve protection
39 of vegetation while at the same time assuring safe utility
40 operations.

41 (2) A ~~Any~~ person who violates ~~the provisions of~~ this
42 section is guilty of a misdemeanor of the second degree,
43 punishable as provided in s. 775.082 or s. 775.083.

44 (3) The department shall adopt guidelines related to the
45 removal process for debris from an emergency that is subject to
46 an emergency declaration, including, but not limited to, a
47 hurricane or a tropical storm.

48 Section 2. This act shall take effect July 1, 2023.