

By the Committee on Transportation; and Senator Rodriguez

596-02086-23

2023108c1

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 publish informational guidelines  
11 regarding the removal of debris from certain  
12 emergencies; providing an effective date.

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

15  
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.

38        (2) The department shall adopt rules to implement ~~for the~~  
39 ~~implementation of~~ this section to achieve protection of  
40 vegetation while at the same time assuring safe utility  
41 operations.

42        (3) ~~(2)~~ A Any person who violates ~~the provisions of~~ this  
43 section commits ~~is guilty of~~ a misdemeanor of the second degree,  
44 punishable as provided in s. 775.082 or s. 775.083.

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

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