

1                                   A bill to be entitled  
 2           An act relating to trees and other vegetation within  
 3           rights-of-way; amending s. 337.405, F.S.; authorizing  
 4           the Department of Transportation to suspend the  
 5           prohibition against the removal or cutting of certain  
 6           trees or other vegetation in response to a state of  
 7           emergency declared by the Governor; requiring the  
 8           department to adopt guidelines relating to the removal  
 9           or cutting of such trees or other vegetation for the  
 10          purpose of clearing debris generated during a declared  
 11          state of emergency; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Section 337.405, Florida Statutes, is amended  
 16           to read:

17           337.405 Trees or other vegetation within rights-of-way of  
 18           State Highway System or publicly owned rail corridors; removal  
 19           or damage; penalty.—

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

26        (a) Prior written permission to remove or cut such trees  
 27 or other vegetation has been granted by the department, except  
 28 where normal tree trimming is required to ensure the safe  
 29 operation of utility facilities and such tree trimming is  
 30 performed in accordance with the facility's ~~provisions of its~~  
 31 utility accommodations guide, and any subsequent amendments  
 32 thereto; or

33        (b) The department suspends the prohibition against the  
 34 removal or cutting of such trees or other vegetation in response  
 35 to the issuance by the Governor of an executive order or  
 36 proclamation declaring a state of emergency.

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

41        (b) The department shall adopt guidelines relating to the  
 42 removal or cutting of trees or other vegetation within the  
 43 rights-of-way of roads located on the State Highway System or  
 44 within publicly owned rail corridors for the purpose of clearing  
 45 debris generated during a declared state of emergency including,  
 46 but not limited to, a named tropical storm or hurricane.

47        (3)-(2) A Any person who violates subsection (1) commits  
 48 ~~the provisions of this section is guilty of~~ a misdemeanor of the  
 49 second degree, punishable as provided in s. 775.082 or s.  
 50 775.083.

HB 55

2023

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