

December 10, 2019

The Nassau County Code Enforcement Board met in regular session this 10th day of December, 2019 at 6:30 p.m. at the Commission Chambers, James S. Page Governmental Complex, Yulee, Florida. The Code Enforcement Secretary called the roll. Present were Board Members Sarah Bell, Mimi Vitale, Jonathan Petree, Cathy Gladden, Joan Knutson and Chair Christine Connery. Absent was Board Member Stephanie Estep. Also present was Michael Mullin, County Attorney; and representing the Department of Planning and Economic Opportunity was Sue Ann Alleger, Planner II. Representing Code Enforcement were Michael Favors and Robert Bostick, Enforcement Officers; Jesica White, Administrative Specialist and Janet Wylie, Secretary. Also present was Melissa Lucey, Deputy Clerk.

Chair Connery called the meeting to order at 6:36 p.m. She led the Invocation and the Pledge of Allegiance to the American Flag.

Regarding ex-parte disclosures, all board members stated that they had no discussion with the applicants or made site visits. The board members also affirmed that they had no email communications or letters.

It was moved by Board Member Petree, seconded by Board Member Gladden and unanimously carried to approve the minutes from the November 12, 2019 regular meeting as presented.

Chair Connery advised that the cases to be heard would be under the Quasi-Judicial hearing procedures. Mr. Mullin read the procedures applicable to the Quasi-Judicial hearings for Case 19-4542, Douglas H. S. Greene Revocable Trust and Carolyn Greene Revocable Trust; Case 19-4373, Circle K Stores, Inc.; and Case 19-4676, Kristeena D. Shirah.

Under old business, the board considered Case 19-4542, Douglas H. S. Greene Revocable Trust; and Carolyn Greene Revocable Trust for violation of Ordinance 97-19, Article 37, native canopy tree protection:

- Section 37.02(b)(2) Land Development Code (LDC), it shall be unlawful for any person, firm or corporation, either individually or through an agent, to cut down, destroy, clear cut, remove, or cause to be destroyed through damaging any native canopy tree without first obtaining site plan approval of the Development Review Committee (DRC) and the Planning and Zoning Board, except as specifically exempted herein.
- Section 37.02(I)(1) LDC, no person shall abuse, mutilate, or otherwise damage any protected tree.

The property is located at 1284 Quattlefield Land, Lot 2 in Fernandina Beach, Florida.

Mr. Mullin disclosed that he received a letter 30 minutes prior to the meeting from the Law office of Tomassetti & Prince. He provided a handout (Attachment "A") to the board members that contained a letter from Josh Stafford, a certified arborist, and a copy of a Legislative Bill that passed effective July 1, 2019. He read the following language from *Florida Statute, Section 163.045, tree pruning, trimming, or removal on residential property*: (1) A local government may not require a notice, application, approval permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property. (2) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section. (3) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to State Statutes 403.9321-403.9333. Mr. Mullin

advised that currently there are no case laws that interprets the language in this particular bill; however, when reviewing the House of Representative Staff Analysis (Attachment "B"), it contains additional language that this bill prohibits local government from requiring permits. He stated that based upon the language that is in *Florida Statute, Section 163.045*, the two (2) trees that were subject of the alleged violation would no longer be subject to the Code Enforcement Board proceedings at this particular time.

In a response posed by the Board, Mr. Mullin advised that *Florida Statute, Section 163.045* language does not specify a date or timeframe when a certified arborist can provide documentation that a tree presents a danger to persons or property. Board Member Petree requested clarification on House Bill 1159 (HB 1159), page 4, line 88 (Attachment "C"), regarding the language "does not supersede local government ordinances or regulations governing planting, pruning, trimming, or removal of specimen trees or historical trees, as defined in a local government's ordinances or regulations, or trees within designated canopied protection areas". Mr. Mullin clarified that in his opinion that the balance of the mitigation plan would remain and not be affected pursuant to the language in *Florida Statute, Section 163.3209*, electric transmission and distribution line right-of-way maintenance (Attachment "D").

Ms. Alleger advised that the two (2) trees that were subject of the alleged violation included a Laurel Oak and Triple Trunk Hickory. She requested clarification on the trees that were referenced in the letter from the certified arborist, noting that there is a difference in the deviation for the trees. Teresa Prince, attorney with Tomassetti and Prince, came forward and advised that the two (2) trees referenced were the same two (2) trees that were cited for violation. She clarified that the certified arborist did not agree with the tree deviation that was provided by staff and the deviation was based off of the original tree mitigation plan. She explained that she had a

discussion with the arborist today who expressed that the Triple Trunk Hickory tree was a danger to the property and that the Laurel Oak tree was seeping and showing damage. The arborist recommended that the property owner remove these two (2) trees based on his opinion that they would be a danger to the structure.

Ms. Prince thanked staff for working tireless on the tree mitigation plan. She advised that her clients hired a certified arborist and landscape architect to assist with the property. She explained that when she first met with her clients, they stated that the arborist recommended that they remove the two (2) trees; but after meeting with the arborist earlier today, it was clear that *Florida Statute, Section 163.045* would apply to this case. Ms. Prince clarified that the letter from the certified arborist was written today, pointing out that there was no date provided. She noted that the letter was immediately provided to staff upon their receipt from the arborist. She explained that her clients were unaware of the \$5,000.00 fine per tree that was never addressed in the stop work order; notice of violation and notice of public hearing; and the readings of the Quasi-Judicial hearing proceedings. She noted that there was only a reference to *Florida Statute 162*, which grants the board the authority.

Following a brief discussion, it was moved by Board Member Gladden that based upon the letter from the certified arborist and *Florida Statute, Section 163.045*, that Case 19-4542, Douglas H. S. Greene Revocable Trust; and Carolyn Greene Revocable Trust would be dismissed. The motion was seconded by Board Member Petree and the vote carried unanimously.

Next, the board considered Case 19-4373, Circle K Stores, Inc. The property is located at 941268 Old Nassauville Road in Fernandina Beach, Florida.

Officer Favors was sworn in to testify. He presented the case against Circle K Stores, Inc., for violations of 2017 Florida Building Code, 6th Edition, Section 105.1, Building Codes, permits required. He explained that the case was brought to the board at a previous meeting for not being in compliance; however, the permits have been applied for and the final inspection was completed. He advised that the case is now in compliance and that staff is seeking administrative fees of \$433.29.

It was moved by Board Member Bell that based on competent and substantial evidence and testimony received in the record that Case 19-4373, Circle K Stores, Inc. is no longer in violation of 2017 Florida Building Code, 6th Edition, Section 105.1, building code, permits required. The motion was seconded by Board Member Vitale and the vote carried unanimously.

It was moved by Board Member Bell that the respondent shall pay the administrative fees in the amount of \$433.29 be assessed to cover the administrative cost incurred in prosecuting this case and shall be paid on or before January 13, 2020 and that pursuant to *Florida Statute* Chapter 162.08-09, this order shall be recorded in the Official Records of Nassau County, Florida and shall constitute a lien against Respondent(s) in an amount equal to any and all fees and fines hereby imposed. The motion was seconded by Board Member Vitale and the vote carried unanimously.

Next, the Board considered Case 19-4676, Kristeena D. Shirah. The property is located at 94256 Duck Lake Drive in Fernandina Beach, Florida.

Officer Favors presented the case against Ms. Shirah for violations of Ordinance 97-19, Article 10, Section 10.01(A) - Permitted uses and structures (A) single family dwellings:

- Dwelling, one single-family: A private residence building used or intended to be used as a home or residence in which the use and management of all sleeping quarters and appliances for sanitation, cooking, ventilation, heating and lighting are designed primarily for the use of one (1) family unit, and with partitioning so that any substantial interior portion of the dwelling, without resort to exterior access and the building, shall have only one (1) kitchen and one (1) electrical meter. This term is not to be construed as including mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, houseboats, or other forms of temporary or portable housing.

Officer Favors commented that the property owner was cited on October 1, 2019; and the Notice of Violation and Notice of Public Hearing were posted on the property. He advised that this is a repeat violation. He explained that the property is zoned Residential Mixed (RM), the case was continued from the October 8, 2019 Code Enforcement meeting and the requested administrative fees total is \$258.76. He clarified that Ms. Shirah was directed by the board to meet with him to address the violations; however, she did not appear for the first scheduled meeting and there was no appearance to the following rescheduled appointment. He stated that staff had received phone calls from Ms. Shirah after the scheduled meetings to indicate that she did not have any transportation and that it was difficult for her to attend. Officer Favors advised that upon his last inspection he noticed that the property had accumulated a significant amount of trash, liter and debris from the last Code Enforcement hearing that was held on October 8, 2019. He stated that Ms. Shirah had indicated that the accumulation of trash, liter and debris on the property is due to trespassing and dumping. He pointed out that the property has no security measures in place to keep the property secure. Officer Favors advised that he reached out to Set Free by the Sea to assist with the clean-up of the property after the first initial hearing;

however, due to the current severity of the trash, liter and debris it would now fall on Ms. Shirah to come into compliance. He clarified that he cannot confirm if Ms. Shirah resides in the tent that is on property, but the violation is that there is no principle structure that is permanent. He advised that the property has not been cited for the current trash, liter and debris and would be considered as a new violation.

Mr. Mullin pointed out that Ordinance 97-19, Article 10, Section 10.01(A) of the LDC - Permitted uses and structures (A) Single family dwellings provides language of "used or intended to be used as a home or residence", noting that Officer Favors would be required to have firsthand knowledge that Ms. Shirah is residing in the tent. Officer Favors acknowledged that he cannot confirm that Ms. Shirah is staying in the tent. He explained that all personal engagement and documentation of photographs had transpired at the edge of the road of the property. Mr. Mullin stated that without any indication that Ms. Shirah is using the tent as a private residence it would be difficult to make a finding legally for the violation. He pointed out that the bigger problem from a legal standpoint would be the trash, liter and debris and the people using it as a dump site.

Following a brief discussion, it was moved by Board Member Gladden that based upon the lack of evidence that the structure is being used as a residence that Case 19-4676, Kristeena D. Shirah be dismissed. The motion was seconded by Board Member Vitale and the vote carried unanimously.

Under new business, the Board considered the reorganization of the board members. Chair Connery announced it was time to elect a Chair and Vice Chair for the 2020 year. It was moved by Board Member Vitale, seconded by Board Member Petree and unanimously carried to reappoint Christine Connery for Chair. There being no further nominations, Chair Connery accepted the position of Chair. It was

moved by Board Member Vitale, seconded by Board Member Gladden and unanimously carried to reappoint Sarah Bell as Vice Chair. There being no further nominations, Board Member Bell accepted the position of Vice Chair.

There being no further business, the regular meeting of Code Enforcement Board adjourned at 7:45 p.m.

Christine Connery, Chairman

Attest



1335 S. 8th St. Fernandina Beach, FL 32034
gagetreecare@gmail.com
Phone: 904-491-1710
Fax: 904-491-1711

Work : Lot 2 Quattlefield Lane
Customer: Carolyn Green
Address: N/A
Phone: 301-580-2662
Email: greenemills@gmail.com

To whom it may concern: The trees being evaluated are a 10" Laurel Oak and a triple trunk Hickory with all 3 stems collectively measuring 33". Lot 2 Quattlefield is an undeveloped lot that is proposing building a new residential structure. Upon evaluation the Laurel Oak canopy was in decline with large dead sections which suggest that the tree was experiencing problems with the root system such as root rotting fungus or past damage that could have occurred during original clearing of the lot along with trunk rot ooze seeping from the trunk which is a common problem with these trees indicating that the middle of the tree is decaying. The heart decay will eventually lead to the tree having a hollow center as it advances through the trunk. Triple trunk Hickory was actually 3 independent trees growing together out of the same base which is a structural defect do to the all stems growing into different directions at an angle away from each other. As the stems continue to grow away from each other the chances of them splitting at the base do to the included bark increase the likelihood of failure. The 3 stems together also act as a bowl holding moisture and organic material furthering potential for decay. In conclusion, the decision to remove the trees was predicated on them being a potential hazard and danger to people or property in the present or in the future pursuant to Section 163.045, Florida Statutes. The thought was to replant new healthy trees so they could grow and thrive verses decline and die. Giving new potential for wildlife and people to enjoy.

Josh Stafford
Arborist # FL6757 A

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1159 Private Property Rights
SPONSOR(S): La Rosa
TIED BILLS: IDEN./SIM. **BILLS:** SB 1400

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Rivera	Miller
2) Commerce Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Counties and municipalities develop and implement land use comprehensive plans and ordinances to manage growth within their jurisdictions. Comprehensive plans must be sensitive to private property rights and not inordinately burden property owners. The "Bert Harris, Jr., Private Property Rights Protection Act" entitles property owners to relief when government action inordinately burdens their existing use of real property or any vested right to a specific use of real property.

Local government vegetation and tree maintenance regulations vary but can require property owners to obtain permits before pruning, trimming, or removing any tree. Electric utilities are also subject to federal requirements when maintaining vegetation in utility rights-of-way. Where a local government has no proper vegetation maintenance plan for electric utility rights-of-way, state law requires electric utilities to take certain action including providing a local government five business days' advance notice before performing any vegetation maintenance within a right-of-way unless the work is to restore service, avoid imminent outages, or upon request by an adjacent property owner who already has any required approval from the local government.

The bill prohibits local governments from requiring permits for the pruning, trimming, or removal of a damaged, diseased, pest infested, or dangerous tree on residential property during natural disasters or upon documentation by a certified arborist, and prohibits local governments from requiring a property owner to replant a tree that is maintained under the specified conditions. The bill also allows a property owner adjacent to an electric utility right-of-way to request an electric utility perform vegetation maintenance in the right-of-way without approval from the local government.

Finally, the bill requires county property appraisers to post a Property Owner Bill of Rights on their websites, which lists a property owner's right to acquire, possess, and protect property; use and enjoy property; exclude others from property; dispose of property; due process; just compensation for property taken for a public purpose; and relief when a new state or local government law, rule, regulation, or ordinance unfairly affects property. The website must state the Bill of Rights is not comprehensive and does not represent all property rights under Florida law.

The bill may have a negative, insignificant fiscal impact to local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.
STORAGE NAME: h1159.LFV
DATE: 3/15/2019

FLORIDA HOUSE OF REPRESENTATIVES

ENROLLED

CS/HB 1159

2019 Legislature

1
2 An act relating to private property rights; creating
3 s. 163.045, F.S.; prohibiting local governments from
4 requiring notices, applications, approvals, permits,
5 fees, or mitigation for the pruning, trimming, or
6 removal of trees on residential property if a property
7 owner obtains specified documentation; prohibiting
8 local governments from requiring property owners to
9 replant such trees; providing an exception for
10 mangrove protection actions; amending s. 163.3209,
11 F.S.; deleting a provision that authorizes electric
12 utilities to perform certain right-of-way tree
13 maintenance only if a property owner has received
14 local government approval; creating s. 70.002, F.S.;
15 creating a Property Owner Bill of Rights; requiring
16 county property appraisers to provide specified
17 information on their websites; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 163.045, Florida Statutes, is created
23 to read:
24 163.045 Tree pruning, trimming, or removal on residential
25 property.

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CODING: Words stricken are deletions; words underlined are additions.

hb1159-02-er

A HOUSE OF REPRESENTATIVES

2019 Legislature

26 (1) A local government may not require a notice,
27 application, approval, permit, fee, or mitigation for the
28 pruning, trimming, or removal of a tree on residential property
29 if the property owner obtains documentation from an arborist
30 certified by the International Society of Arboriculture or a
31 Florida licensed landscape architect that the tree presents a
32 danger to persons or property.
33 (2) A local government may not require a property owner to
34 replant a tree that was pruned, trimmed, or removed in
35 accordance with this section.
36 (3) This section does not apply to the exercise of
37 specifically delegated authority for mangrove protection
38 pursuant to ss. 403.9321-403.9333.
39 Section 2. Section 163.3209, Florida Statutes, is amended
40 to read:
41 163.3209 Electric transmission and distribution line
42 right-of-way maintenance.—After a right-of-way for any electric
43 transmission or distribution line has been established and
44 constructed, no local government shall require or apply any
45 permits or other approvals or code provisions for or related to
46 vegetation maintenance and tree pruning or trimming within the
47 established right-of-way. The term "vegetation maintenance and
48 tree pruning or trimming" means the mowing of vegetation within
49 the right-of-way, removal of trees or brush within the right-of-
50 way, and selective removal of tree branches that extend within

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51 | the right-of-way. The provisions of this section do not include
52 | the removal of trees outside the right-of-way, which may be
53 | allowed in compliance with applicable local ordinances. Prior to
54 | conducting scheduled routine vegetation maintenance and tree
55 | pruning or trimming activities within an established right-of-
56 | way, the utility shall provide the official designated by the
57 | local government with a minimum of 5 business days' advance
58 | notice. Such advance notice is not required for vegetation
59 | maintenance and tree pruning or trimming required to restore
60 | electric service or to avoid an imminent vegetation-caused
61 | outage or when performed at the request of the property owner
62 | adjacent to the right-of-way, ~~provided that the owner has~~
63 | ~~approval of the local government, if needed.~~ Upon the request of
64 | the local government, the electric utility shall meet with the
65 | local government to discuss and submit the utility's vegetation
66 | maintenance plan, including the utility's trimming
67 | specifications and maintenance practices. Vegetation maintenance
68 | and tree pruning or trimming conducted by utilities shall
69 | conform to ANSI A300 (Part I)-2001 pruning standards and ANSI
70 | Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees,
71 | and Cutting Brush-Safety Requirements. Vegetation maintenance
72 | and tree pruning or trimming conducted by utilities must be
73 | supervised by qualified electric utility personnel or licensed
74 | contractors trained to conduct vegetation maintenance and tree
75 | trimming or pruning consistent with this section or by Certified

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F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

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2019 Legislature

76 Arborists certified by the Certification Program of the
77 International Society of Arboriculture. A local government shall
78 not adopt an ordinance or land development regulation that
79 requires the planting of a tree or other vegetation that will
80 achieve a height greater than 14 feet in an established electric
81 utility right-of-way or intrude from the side closer than the
82 clearance distance specified in Table 2 of ANSI Z133.1-2000 for
83 lines affected by the North American Electric Reliability
84 Council Standard, FAC 003.1 requirement R1.2. This section does
85 not supersede or nullify the terms of specific franchise
86 agreements between an electric utility and a local government
87 and shall not be construed to limit a local government's
88 franchising authority. This section does not supersede local
89 government ordinances or regulations governing planting,
90 pruning, trimming, or removal of specimen trees or historical
91 trees, as defined in a local government's ordinances or
92 regulations, or trees within designated canopied protection
93 areas. This section shall not apply if a local government
94 develops, with input from the utility, and the local government
95 adopts, a written plan specifically for vegetation maintenance,
96 tree pruning, tree removal, and tree trimming by the utility
97 within the local government's established rights-of-way and the
98 plan is not inconsistent with the minimum requirements of the
99 National Electrical Safety Code as adopted by the Public Service
100 Commission; provided, however, such a plan shall not require the

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CS/HB 1159

2019 Legislature

101 | planting of a tree or other vegetation that will achieve a
102 | height greater than 14 feet in an established electric right-of-
103 | way. Vegetation maintenance costs shall be considered
104 | recoverable costs.

105 | Section 3. Section 70.002, Florida Statutes, is created to
106 | read:

107 | 70.002 Property Owner Bill of Rights.—Each county property
108 | appraiser office shall provide on its website a Property Owner
109 | Bill of Rights. The purpose of the bill of rights is to identify
110 | certain existing rights afforded to property owners but is not a
111 | comprehensive guide. The Property Owner Bill of Rights does not
112 | create a civil cause of action. The Property Owner Bill of
113 | Rights must state:

114 |

115 | PROPERTY OWNER

116 | BILL OF RIGHTS

117 | This Bill of Rights does not represent all of your rights under
118 | Florida law regarding your property and should not be viewed as
119 | a comprehensive guide to property rights. This document does not
120 | create a civil cause of action and neither expands nor limits
121 | any rights or remedies provided under any other law. This
122 | document does not replace the need to seek legal advice in
123 | matters relating to property law. Laws relating to your rights
124 | are found in the State Constitution, Florida Statutes, local
125 | ordinances, and court decisions. Your rights and protections

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2019 Legislature

126 include:
127 1. The right to acquire, possess, and protect your
128 property.
129 2. The right to use and enjoy your property.
130 3. The right to exclude others from your property.
131 4. The right to dispose of your property.
132 5. The right to due process.
133 6. The right to just compensation for property taken for a
134 public purpose.
135 7. The right to relief, or payment of compensation, when a
136 new law, rule, regulation, or ordinance of the state or a
137 political entity unfairly affects your property.
138 Section 4. This act shall take effect July 1, 2019.

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CHAPTER 2019-155

Committee Substitute for House Bill No. 1159

An act relating to private property rights; creating s. 163.045, F.S.; prohibiting local governments from requiring notices, applications, approvals, permits, fees, or mitigation for the pruning, trimming, or removal of trees on residential property if a property owner obtains specified documentation; prohibiting local governments from requiring property owners to replant such trees; providing an exception for mangrove protection actions; amending s. 163.3209, F.S.; deleting a provision that authorizes electric utilities to perform certain right-of-way tree maintenance only if a property owner has received local government approval; creating s. 70.002, F.S.; creating a Property Owner Bill of Rights; requiring county property appraisers to provide specified information on their websites; providing an effective date.

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

Section 1. Section 163.045, Florida Statutes, is created to read:

163.045 Tree pruning, trimming, or removal on residential property.—

(1) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property.

(2) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.

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

Section 2. 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 permits or other approvals or code provisions for or related to vegetation maintenance and tree pruning or trimming within the established right-of-way. The term “vegetation maintenance and tree pruning or trimming” means the mowing of vegetation within the right-of-way, removal of trees or brush within the right-of-way, and selective removal of tree branches that extend within the right-of-way. The provisions of this section do not include the removal of trees outside the right-of-way, which may be allowed in compliance with applicable local ordinances. Prior to conducting scheduled routine vegetation maintenance and tree pruning or trimming

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activities within an established right-of-way, the utility shall provide the official designated by the local government with a minimum of 5 business days' advance notice. Such advance notice is not required for vegetation maintenance and tree pruning or trimming required to restore electric service or to avoid an imminent vegetation-caused outage or when performed at the request of the property owner adjacent to the right-of-way, ~~provided that the owner has approval of the local government, if needed.~~ Upon the request of the local government, the electric utility shall meet with the local government to discuss and submit the utility's vegetation maintenance plan, including the utility's trimming specifications and maintenance practices. Vegetation maintenance and tree pruning or trimming conducted by utilities shall conform to ANSI A300 (Part I)—2001 pruning standards and ANSI Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements. Vegetation maintenance and tree pruning or trimming conducted by utilities must be supervised by qualified electric utility personnel or licensed contractors trained to conduct vegetation maintenance and tree trimming or pruning consistent with this section or by Certified Arborists certified by the Certification Program of the International Society of Arboriculture. A local government shall not adopt an ordinance or land development regulation that requires the planting of a tree or other vegetation that will achieve a height greater than 14 feet in an established electric utility right-of-way or intrude from the side closer than the clearance distance specified in Table 2 of ANSI Z133.1-2000 for lines affected by the North American Electric Reliability Council Standard, FAC 003.1 requirement R1.2. This section does not supersede or nullify the terms of specific franchise agreements between an electric utility and a local government and shall not be construed to limit a local government's franchising authority. This section does not supersede local government ordinances or regulations governing planting, pruning, trimming, or removal of specimen trees or historical trees, as defined in a local government's ordinances or regulations, or trees within designated canopied protection areas. This section shall not apply if a local government develops, with input from the utility, and the local government adopts, a written plan specifically for vegetation maintenance, tree pruning, tree removal, and tree trimming by the utility within the local government's established rights-of-way and the plan is not inconsistent with the minimum requirements of the National Electrical Safety Code as adopted by the Public Service Commission; provided, however, such a plan shall not require the planting of a tree or other vegetation that will achieve a height greater than 14 feet in an established electric right-of-way. Vegetation maintenance costs shall be considered recoverable costs.

Section 3. Section 70.002, Florida Statutes, is created to read:

70.002 Property Owner Bill of Rights.—Each county property appraiser office shall provide on its website a Property Owner Bill of Rights. The purpose of the bill of rights is to identify certain existing rights afforded to property owners but is not a comprehensive guide. The Property Owner Bill

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of Rights does not create a civil cause of action. The Property Owner Bill of Rights must state:

PROPERTY OWNER
BILL OF RIGHTS

This Bill of Rights does not represent all of your rights under Florida law regarding your property and should not be viewed as a comprehensive guide to property rights. This document does not create a civil cause of action and neither expands nor limits any rights or remedies provided under any other law. This document does not replace the need to seek legal advice in matters relating to property law. Laws relating to your rights are found in the State Constitution, Florida Statutes, local ordinances, and court decisions. Your rights and protections include:

1. The right to acquire, possess, and protect your property.
2. The right to use and enjoy your property.
3. The right to exclude others from your property.
4. The right to dispose of your property.
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 unfairly affects your property.

Section 4. This act shall take effect July 1, 2019.

Approved by the Governor June 26, 2019.

Filed in Office Secretary of State June 26, 2019.