

Bill No. CS for SB 408

Amendment No. Barcode 945000

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Campbell moved the following amendment:

Senate Amendment (with title amendment)

On page 1, line 10,

insert:

Section 1. Subsections (12) and (13) of section 403.503, Florida Statutes, are amended to read:

403.503 Definitions relating to Florida Electrical Power Plant Siting Act.--As used in this act:

(12) "Electrical power plant" means, for the purpose of certification, any ~~steam or solar electrical~~ generating facility using any process or fuel, including nuclear materials, and includes associated facilities which directly support the construction and operation of the electrical power plant and those associated transmission lines which connect the electrical power plant to an existing transmission network or rights-of-way to which the applicant intends to connect, ~~except that this term does not include any steam or solar electrical generating facility of less than 75 megawatts in capacity unless the applicant for such a facility elects to~~

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1 ~~apply for certification under this act.~~ An associated
2 transmission line may include, at the applicant's option, any
3 proposed terminal or intermediate substations or substation
4 expansions connected to the associated transmission line.

5 (13) "Electric utility" means cities and towns,
6 counties, public utility districts, regulated electric
7 companies, electric cooperatives, and joint operating
8 agencies, or combinations thereof, engaged in, or authorized
9 to engage in, the business of generating, transmitting, or
10 distributing electric energy, and includes any entity engaged
11 in, or authorized to engage in, the production and sale of
12 electricity at wholesale in this state.

13 Section 2. Subsection (1) of section 403.506, Florida
14 Statutes, is amended to read:

15 403.506 Applicability and certification.--

16 (1) The provisions of this act shall apply to any
17 electrical power plant as defined herein, except that the
18 provisions of this act shall not apply to ~~any electrical power~~
19 ~~plant or steam generating plant of less than 75 megawatts in~~
20 ~~capacity or to~~ any substation to be constructed as part of an
21 associated transmission line unless the applicant has elected
22 to apply for certification of such plant or substation under
23 this act. No construction of any new electrical power plant or
24 expansion in steam generating capacity of any existing
25 electrical power plant may be undertaken after October 1,
26 1973, without first obtaining certification in the manner as
27 herein provided, except that this act shall not apply to any
28 such electrical power plant which is presently operating or
29 under construction or which has, upon the effective date of
30 chapter 73-33, Laws of Florida, applied for a permit or
31 certification under requirements in force prior to the

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1 effective date of such act.

2 Section 3. Section 403.519, Florida Statutes, is
3 amended to read:

4 403.519 Exclusive forum for determination of need.--

5 (1) On request by an applicant, as that term is
6 defined in s. 403.503(4), or on its own motion, the commission
7 shall begin a proceeding to determine the need for an

8 electrical power plant subject to the Florida Electrical Power
9 Plant Siting Act. The commission shall publish a notice of
10 the proceeding in a newspaper of general circulation in each

11 county in which the proposed electrical power plant will be
12 located. The notice shall be at least one-quarter of a page
13 and published at least 45 days prior to the scheduled date for

14 the proceeding. The commission shall be the sole forum for the
15 determination of this matter, which accordingly shall not be
16 raised in any other forum or in the review of proceedings in

17 such other forum. In making its determination, the commission
18 shall take into account the need for electric system
19 reliability and integrity, the need for adequate electricity

20 at a reasonable cost, and whether the proposed plant is the
21 most cost-effective alternative available. The commission
22 shall also expressly consider the conservation measures taken

23 by or reasonably available to the applicant or its members
24 which might mitigate the need for the proposed plant and other
25 matters within its jurisdiction which it deems relevant. An

26 applicant that is engaged in, or authorized to engage in, the
27 production and sale of electricity at wholesale in this state
28 may obtain a determination of need regardless of whether such

29 applicant has demonstrated that a utility or utilities serving
30 retail customers has a specific committed need for the
31 electrical power to be generated by the applicant's electrical

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1 power plant. The commission is authorized to place any
2 conditions on the certificate it deems necessary to ensure
3 electric system reliability and integrity and to ensure an
4 adequate statewide supply of electricity at a reasonable cost.

5 The commission's determination of need for an electrical power
6 plant shall create a presumption of public need and necessity
7 and shall serve as the commission's report required by s.
8 403.507(2)(a)2. An order entered pursuant to this section
9 constitutes final agency action.

10 (2) Nothing herein shall be construed to prevent an
11 applicant that is affiliated with a public utility from
12 obtaining a determination of need from the commission pursuant
13 to subsection (1).

14 Section 4. Section 403.5171, Florida Statutes, is
15 created to read:

16 403.5171 Re-application for certification.--For a
17 period of one year after the effective date of this act, any
18 entity that applied for a determination of need in the two
19 years prior to the effective date, and had the application
20 dismissed or denied, or had a determination of need
21 overturned, may submit a new application under this act for a
22 determination of need for the proposed electric power plant,
23 with the determination based upon previously filed supporting
24 documents and previously established evidence where possible,
25 and with new supporting documents or evidence necessary only
26 to establish changes in the facts or in the proposal for the
27 electric power plant.

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29 (Redesignate subsequent sections.)
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, lines 2 and 3, delete the words "utility
4 service interruptions;"

5

6 and insert:

7 utilities; amending s. 403.503, F.S.; revising
8 definitions; amending s. 403.506, F.S.;
9 exempting certain power plants from the
10 provisions of the Florida Electrical Power
11 Plant Siting Act; revising s. 403.519, F.S.;
12 providing for specified applicants to obtain
13 determinations of need; creating s. 403.5171,
14 F.S.; providing for certain applicants to
15 re-apply for a determination of need;

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