

By Senator Posey

24-1564-04

See HB 689

1                                   A bill to be entitled  
2           An act relating to electric transmission line  
3           siting; amending s. 403.52, F.S.; changing the  
4           short title to the "Florida Electric  
5           Transmission Line Siting Act"; amending s.  
6           403.521, F.S.; revising legislative intent;  
7           amending s. 403.522, F.S.; revising  
8           definitions; defining "licensee"; amending s.  
9           403.523, F.S.; revising powers and duties of  
10          the Department of Environmental Protection;  
11          requiring the department to collect and process  
12          fees, to prepare a project impact analysis, to  
13          act as clerk for the siting board, and to  
14          administer and manage the terms and conditions  
15          of the certification order and supporting  
16          documents and records; amending s. 403.524,  
17          F.S.; revising provisions for applicability,  
18          certification, and exemptions under the act;  
19          requiring that the application contain the  
20          starting point and ending point of a  
21          transmission line specifically defined by the  
22          applicant and verified by the commission;  
23          revising provisions for notice by an electric  
24          utility of its intent to construct an exempted  
25          transmission line; amending s. 403.525, F.S.;  
26          providing for powers and duties of the  
27          administrative law judge designated by the  
28          Division of Administrative Hearings to conduct  
29          the required hearings; amending s. 403.5251,  
30          F.S.; revising application procedures and  
31          schedules; providing for the formal date of

1 certification application filing and  
2 commencement of the certification review  
3 process; requiring the department to prepare a  
4 proposed schedule of dates for determination of  
5 completeness and other significant dates to be  
6 followed during the certification process;  
7 providing for the formal date of application  
8 distribution; requiring the applicant to file  
9 notice of distribution and notice of filing of  
10 the application; amending s. 403.5252, F.S.;  
11 revising timeframes and procedures for  
12 determination of completeness of the  
13 application; requiring the department to  
14 consult with affected agencies; revising  
15 requirements for the department to file a  
16 statement of its determination of completeness  
17 with the Division of Administrative Hearings,  
18 the applicant, and all parties within a certain  
19 time after distribution of the application;  
20 revising requirements for the applicant to file  
21 a statement with the department, the division,  
22 and all parties, if the department determines  
23 the application is not complete; providing for  
24 that statement to notify the department that  
25 the information will not be provided; revising  
26 timeframes and procedures for contests of the  
27 determination by the department; providing for  
28 parties to a hearing on the issue of  
29 completeness; repealing s. 403.5253, F.S.,  
30 relating to determination of sufficiency of  
31 application or amendment to the application;

1 amending s. 403.526, F.S.; revising criteria  
2 and procedures for preliminary statements of  
3 issues, reports, and studies; revising  
4 timeframes; requiring that the preliminary  
5 statement of issues from each affected agency  
6 be submitted to all parties; revising criteria  
7 for the Department of Community Affairs'  
8 report; requiring the Department of  
9 Transportation to prepare an impact report;  
10 providing for project impact reports from other  
11 agencies; revising required content of the  
12 reports; providing for notice of any agency  
13 nonprocedural requirements not listed in the  
14 application; providing for failure to provide  
15 such notification; providing for a  
16 recommendation for approval or denial of the  
17 application; providing that receipt of an  
18 affirmative determination of need be a  
19 condition precedent to further processing of  
20 the application; requiring the department to  
21 prepare a project impact analysis to be filed  
22 with the administrative law judge and served on  
23 all parties within a certain timeframe;  
24 amending s. 403.527, F.S.; revising procedures  
25 and timeframes for the certification hearing  
26 conducted by the administrative law judge;  
27 revising provisions for notices and publication  
28 of notices, public hearings held by local  
29 governments, testimony at the public hearing  
30 portion of the certification hearing, the order  
31 of presentations at the hearing, consideration

1 of certain communications by the administrative  
2 law judge, requiring the applicant to pay  
3 certain expenses and costs, and requiring the  
4 administrative law judge to issue a recommended  
5 order disposing of the application; requiring  
6 that certain notices be made in accordance with  
7 specified requirements and within a certain  
8 timeframe; specifying the Department of  
9 Transportation as a party to the proceedings;  
10 providing for the administrative law judge to  
11 cancel the certification hearing and relinquish  
12 jurisdiction to the department upon request by  
13 the applicant or the department; requiring the  
14 department and the applicant to publish notice  
15 of such cancellation; providing for parties to  
16 submit proposed recommended orders to the  
17 department when the certification hearing has  
18 been canceled; providing that the department  
19 prepare a recommended order for final action by  
20 the siting board when the hearing has been  
21 canceled; amending s. 403.5271, F.S.; revising  
22 procedures and timeframes for consideration of  
23 proposed alternate corridors; revising notice  
24 requirements; providing for notice of the  
25 filing of the alternate corridor and revised  
26 time schedules; providing for notice to  
27 agencies newly affected by the proposed  
28 alternate corridor; requiring the person  
29 proposing the alternate corridor to provide all  
30 data to the agencies within a certain  
31 timeframe; providing for determination by the

1 department that the data is not complete;  
2 providing for withdrawal of the proposed  
3 alternate corridor upon such determination;  
4 providing that agencies file reports with the  
5 applicant and department which address the  
6 proposed alternate corridor; providing that the  
7 department file with the administrative law  
8 judge, the applicant, and all parties a project  
9 impact analysis of the proposed alternate  
10 corridor; providing that the party proposing an  
11 alternate corridor shall have the burden of  
12 proof on the certifiability of the alternate  
13 corridor; amending s. 403.5272, F.S.; revising  
14 procedures for informational public meetings;  
15 providing for informational public meetings  
16 held by regional planning councils; revising  
17 timeframes; amending s. 403.5275, F.S.;  
18 revising provisions for amendment to the  
19 application prior to certification; amending s.  
20 403.529, F.S.; revising provisions for final  
21 disposition of the application by the siting  
22 board; providing for the administrative law  
23 judge's or department's recommended order;  
24 amending s. 403.531, F.S.; revising provisions  
25 for conditions of certification; amending s.  
26 403.5312, F.S.; requiring the applicant to file  
27 notice of a certified corridor route with the  
28 department; creating s. 403.5317, F.S.;  
29 providing procedures for changes proposed by  
30 the licensee after certification; requiring the  
31 department to determine within a certain time

1 if the proposed change requires modification of  
2 the conditions of certification; requiring  
3 notice to the licensee, all agencies, and all  
4 parties of changes that are approved as not  
5 requiring modification of the conditions of  
6 certification; creating s. 403.5363, F.S.;  
7 requiring publication of certain notices by the  
8 applicant, the proponent of an alternate  
9 corridor, and the department; requiring the  
10 department to adopt rules specifying the  
11 content of such notices; amending s. 403.5365,  
12 F.S.; revising application fees and the  
13 distribution of fees collected; revising  
14 procedures for reimbursement of local  
15 governments and regional planning  
16 organizations; repealing s. 403.5369, F.S.,  
17 relating to application of the act to  
18 applications prior to a certain date; amending  
19 s. 403.537, F.S.; revising the schedule for  
20 notice of a public hearing by the Public  
21 Service Commission to determine the need for a  
22 transmission line; amending ss. 373.441,  
23 403.061, 403.0876, and 403.809, F.S.;  
24 conforming terminology; providing an effective  
25 date.

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29 Section 1. Section 403.52, Florida Statutes, is  
30 amended to read:

31

1           403.52 Popular name ~~Short title~~.--Sections  
2 403.52-403.5365 may be known by the popular name ~~cited as~~ the  
3 "Florida Electric Transmission Line Siting Act."  
4           Section 2. Section 403.521, Florida Statutes, is  
5 amended to read:  
6           403.521 Legislative intent.--The legislative intent of  
7 this act is to establish a centralized and coordinated  
8 licensing ~~permitting~~ process for the location of electric  
9 transmission line corridors and the construction and  
10 maintenance of electric transmission lines, which necessarily  
11 involves several broad interests of the public addressed  
12 through the subject matter jurisdiction of several agencies.  
13 The Legislature recognizes that electric transmission lines  
14 will have an effect upon electric power system reliability,  
15 the environment, land use, and the welfare of the population.  
16 Recognizing the need to ensure electric power system  
17 reliability and integrity, and in order to meet electric  
18 ~~electrical~~ energy needs in an orderly and timely fashion, the  
19 centralized and coordinated licensing ~~permitting~~ process  
20 established by this act is intended to further the legislative  
21 goal of ensuring through available and reasonable methods that  
22 the location of transmission line corridors and the  
23 construction and maintenance of transmission lines produce  
24 minimal adverse effects on the environment and public health,  
25 safety, and welfare while not unduly conflicting with the  
26 goals established by the applicable local comprehensive plan.  
27 It is the intent of this act to fully balance the need for  
28 transmission lines with the broad interests of the public in  
29 order to effect a reasonable balance between the need for the  
30 facility as a means of providing reliable, economically  
31 efficient electric ~~abundant low-cost electrical~~ energy and the

1 impact on the public and the environment resulting from the  
2 location of the transmission line corridor and the  
3 construction and maintenance of the transmission lines. The  
4 Legislature intends that the provisions of chapter 120 apply  
5 to this act and to proceedings pursuant to it except as  
6 otherwise expressly exempted by other provisions of this act.

7 Section 3. Section 403.522, Florida Statutes, is  
8 amended to read:

9 403.522 Definitions relating to the Florida Electric  
10 Transmission Line Siting Act.--As used in this act:

11 (1) "Act" means the Florida Electric Transmission Line  
12 Siting Act.

13 (2) "Agency," as the context requires, means an  
14 official, officer, commission, authority, council, committee,  
15 department, division, bureau, board, section, or other unit or  
16 entity of government, including a county, municipality, or  
17 other regional or local governmental entity.

18 (3) "Amendment" means a material change in information  
19 provided by the applicant to the application for certification  
20 made after the initial application filing.

21 (4) "Applicant" means any electric utility which  
22 applies for certification pursuant to the provisions of this  
23 act.

24 (5) "Application" means the documents required by the  
25 department to be filed to initiate and support a certification  
26 review and evaluation, including the initial document filing,  
27 amendments, and responses to requests from the department for  
28 additional data and information ~~proceeding. An electric~~  
29 ~~utility may file a comprehensive application encompassing all~~  
30 ~~or a part of one or more proposed transmission lines.~~

31



1           (6) "Board" means the Governor and Cabinet sitting as  
2 the siting board.

3           (7) "Certification" means the approval by the board of  
4 a corridor proper for certification pursuant to subsection  
5 (10) and the construction and maintenance of transmission  
6 lines within such corridor with such changes or conditions as  
7 the board deems appropriate. Certification shall be evidenced  
8 by a written order of the board.

9           (8) "Commission" means the Florida Public Service  
10 Commission.

11           (9) "Completeness" means that the application has  
12 addressed all applicable sections of the prescribed  
13 application format ~~and, but does not mean~~ that those sections  
14 are sufficient in comprehensiveness of data or in quality of  
15 information provided to allow the department to determine  
16 whether the application provides the reviewing agencies  
17 adequate information to prepare the reports required by s.  
18 403.526.

19           (10) "Corridor" means the proposed area within which a  
20 transmission line right-of-way, including maintenance and  
21 access roads, is to be located. The width of the corridor  
22 proposed for certification by an applicant or other party, at  
23 the option of the applicant, may be the width of the  
24 transmission line right-of-way, or a wider boundary, not to  
25 exceed a width of one-half ± mile. The area within the  
26 corridor in which a right-of-way may be located may be further  
27 restricted by a condition of certification. After all property  
28 interests required for the transmission line right-of-way have  
29 been acquired by the applicant, the boundaries of the area  
30 certified shall narrow to only that land within the boundaries  
31 of the transmission line right-of-way, maintenance roads, and

1 access roads. The corridors proper for certification shall be  
2 those addressed in the application, in amendments to the  
3 application filed pursuant to s. 403.5275, and in notices of  
4 acceptance of proposed alternate corridors filed by an  
5 applicant and the department pursuant to s. 403.5271 for which  
6 the required ~~sufficient~~ information for the preparation of  
7 agency supplemental reports was filed.

8 (11) "Department" means the Department of  
9 Environmental Protection.

10 (12) "Electric utility" means cities and towns,  
11 counties, public utility districts, regulated electric  
12 companies, electric cooperatives, regional transmission  
13 organizations, independent transmission system operators, or  
14 similar entities created and approved pursuant to the Federal  
15 Energy Regulatory Commission's Order 2000,and joint operating  
16 agencies, or combinations thereof, engaged in, or authorized  
17 to engage in, the business of generating, transmitting, or  
18 distributing electric energy.

19 (13) "License" means a franchise, permit,  
20 certification, registration, charter, comprehensive plan  
21 amendment, development order, or permit as defined in chapters  
22 163 and 380, or similar form of authorization required by law,  
23 but it does not include a license required primarily for  
24 revenue purposes when issuance of the license is merely a  
25 ministerial act.

26 (14) "Licensee" means an applicant that has obtained a  
27 certification order for the subject project.

28 (15)~~(14)~~ "Local government" means a municipality or  
29 county in the jurisdiction of which the project is proposed to  
30 be located.

31

1           (16)~~(15)~~ "Modification" means any change in the  
2 certification order after issuance, including a change in the  
3 conditions of certification.

4           (17)~~(16)~~ "Nonprocedural requirements of agencies"  
5 means any agency's regulatory requirements established by  
6 statute, rule, ordinance, or comprehensive plan, excluding any  
7 provisions prescribing forms, fees, procedures, or time limits  
8 for the review or processing of information submitted to  
9 demonstrate compliance with such regulatory requirements.

10           (18)~~(17)~~ "Person" means an individual, partnership,  
11 joint venture, private or public corporation, association,  
12 firm, public service company, political subdivision, municipal  
13 corporation, government agency, public utility district, or  
14 any other entity, public or private, however organized.

15           (19)~~(18)~~ "Preliminary statement of issues" means a  
16 listing and explanation of those issues within the agency's  
17 jurisdiction which are of major concern to the agency in  
18 relation to the proposed electric ~~electrical~~ transmission line  
19 corridor.

20           (20)~~(19)~~ "Regional planning council" means a regional  
21 planning council as defined in s. 186.503(4) in the  
22 jurisdiction of which the project is proposed to be located.

23           ~~(20) "Sufficiency" means that the application is not~~  
24 ~~only complete but that all sections are adequate in the~~  
25 ~~comprehensiveness of data and in the quality of information~~  
26 ~~provided to allow the department to determine whether the~~  
27 ~~application provides the reviewing agencies adequate~~  
28 ~~information to prepare the reports authorized by s. 403.526.~~

29           (21) "Transmission line" means all structures, all  
30 maintenance and access roads, and all other facilities that  
31 need to be constructed, operated, or maintained for the

1 purpose of conveying electric power ~~any electrical~~  
2 ~~transmission line~~ extending from, but not including, an  
3 existing or proposed substation or power plant to, but not  
4 including, an existing or proposed transmission network or  
5 rights-of-way or substation to which the applicant intends to  
6 connect which defines the end of the proposed project and  
7 which is designed to operate at 230 kilovolts or more. ~~The~~  
8 ~~starting point and ending point of a transmission line must be~~  
9 ~~specifically defined by the applicant and must be verified by~~  
10 ~~the commission in its determination of need. A transmission~~  
11 ~~line includes structures and maintenance and access roads that~~  
12 ~~need to be constructed for the project to become operational.~~  
13 The transmission line may include, at the applicant's option,  
14 any proposed terminal or intermediate substations or  
15 substation expansions necessary to serve the transmission  
16 line.

17 (22) "Transmission line right-of-way" means land  
18 necessary for the construction and maintenance of a  
19 transmission line. The typical width of the right-of-way shall  
20 be identified in the application. The right-of-way shall be  
21 located within the certified corridor and shall be identified  
22 by the applicant ~~subsequent to certification~~ in documents  
23 filed with the department prior to construction.

24 (23) "Water management district" means a water  
25 management district created pursuant to chapter 373 in the  
26 jurisdiction of which the project is proposed to be located.

27 Section 4. Section 403.523, Florida Statutes, is  
28 amended to read:

29 403.523 Department of Environmental Protection; powers  
30 and duties.--The department shall have the following powers  
31 and duties:

- 1           (1) To adopt procedural rules pursuant to ss.  
2 120.536(1) and 120.54 to implement the provisions of this act  
3 and to adopt or amend rules to implement the provisions of  
4 subsection (10).
- 5           (2) To prescribe the form and content of the public  
6 notices and the form, content, and necessary supporting  
7 documentation, and any required studies, for certification  
8 applications. All such data and studies shall be related to  
9 the jurisdiction of the agencies relevant to the application.
- 10           (3) To receive applications for transmission line and  
11 corridor certifications and initially determine the  
12 completeness ~~and sufficiency~~ thereof.
- 13           (4) To make or contract for studies of certification  
14 applications. All such studies shall be related to the  
15 jurisdiction of the agencies relevant to the application. For  
16 studies in areas outside the jurisdiction of the department  
17 and in the jurisdiction of another agency, the department may  
18 initiate such studies, but only with the consent of such  
19 agency.
- 20           (5) To administer the processing of applications for  
21 certification and ensure that the applications are processed  
22 as expeditiously as possible.
- 23           (6) To collect and process ~~require~~ such fees as  
24 allowed by this act.
- 25           (7) To prepare a report and a project impact ~~written~~  
26 analysis as required by s. 403.526.
- 27           (8) To prescribe the means for monitoring the effects  
28 arising from the location of the transmission line corridor  
29 and the construction and maintenance of the transmission lines  
30 to assure continued compliance with the terms of the  
31 certification.

1           (9) To make a determination of acceptability of any  
2 alternate corridor proposed for consideration pursuant to s.  
3 403.5271.

4           (10) To set requirements that reasonably protect the  
5 public health and welfare from the electric and magnetic  
6 fields of transmission lines for which an application is filed  
7 pursuant to ~~after the effective date of~~ this act.

8           (11) To act as clerk for the siting board.

9           (12) To administer and manage the terms and conditions  
10 of the certification order and supporting documents and  
11 records for the life of the facility.

12           ~~(11) To present rebuttal evidence on any issue~~  
13 ~~properly raised at the certification hearing.~~

14           Section 5. Section 403.524, Florida Statutes, is  
15 amended to read:

16           403.524 Applicability;and certification;  
17 exemptions.--

18           (1) The provisions of this act apply to each  
19 transmission line as defined herein, except a transmission  
20 line certified pursuant to the Florida Electrical Power Plant  
21 Siting Act. In the application, the starting point and ending  
22 point of a transmission line must be specifically defined by  
23 the applicant and must be verified by the commission in its  
24 determination of need.

25           (2) Except as provided in subsection (1), no  
26 construction of any transmission line may be undertaken  
27 without first obtaining certification under this act, but the  
28 provisions of this act do not apply to:

29           (a) Transmission lines for which development approval  
30 has been obtained pursuant to chapter 380.

31

1 (b) Transmission lines which have been exempted by a  
2 binding letter of interpretation issued under s. 380.06(4), or  
3 in which the Department of Community Affairs or its  
4 predecessor agency has determined the utility to have vested  
5 development rights within the meaning of s. 380.05(18) or s.  
6 380.06(20).

7 (c) Transmission line development in which all  
8 construction is limited to established rights-of-way.  
9 Established rights-of-way include ~~such~~ rights-of-way for which  
10 all necessary property interests are acquired or that are  
11 created by state or local government entities to be used for  
12 roads, highways, railroads, gas, water, oil, electricity, or  
13 sewage and any other public purpose rights-of-way. For  
14 transmission line rights-of-way, established rights-of-way  
15 must have been created at least 5 years prior to the start of  
16 construction of the proposed transmission line.~~Except for~~  
17 ~~transmission line rights-of-way, established rights-of-way~~  
18 ~~include rights-of-way created before or after October 1, 1983.~~  
19 ~~For transmission line rights-of-way, established rights-of-way~~  
20 ~~include rights-of-way created before October 1, 1983.~~

21 (d) Transmission lines which are less than 15 miles in  
22 length or which do not cross a county line, unless the  
23 applicant has elected to apply for certification under the  
24 act.

25 (3) The exemption of a transmission line under this  
26 act does not constitute an exemption for the transmission line  
27 from other applicable permitting processes under other  
28 provisions of law or local government ordinances.

29 (4) A utility shall notify the department in writing,  
30 prior to the start of construction, of the electric utility's  
31 ~~its~~ intent to construct a transmission line exempted pursuant

1 to this section. Such notice shall be only for information  
2 purposes, and no action by the department shall be required  
3 pursuant to such notice. Notice may be included in any  
4 demonstration filed with the department prior to the start of  
5 construction that a new transmission line complies with the  
6 applicable electric and magnetic field standards.

7 Section 6. Section 403.525, Florida Statutes, is  
8 amended to read:

9 403.525 Administrative law judge; appointment; powers  
10 and duties of administrative law judge.--

11 (1) Within 7 days after receipt of an application,  
12 whether complete or not, the department shall request the  
13 Division of Administrative Hearings to designate an  
14 administrative law judge to conduct the hearings required by  
15 this act. The division director shall designate an  
16 administrative law judge to conduct the hearings required by  
17 this act within 7 days after receipt of the request from the  
18 department. Whenever practicable, the division director shall  
19 assign an administrative law judge who has had prior  
20 experience or training in this type of certification  
21 proceeding. Upon being advised that an administrative law  
22 judge has been designated, the department shall immediately  
23 file a copy of the application and all supporting documents  
24 with the administrative law judge, who shall docket the  
25 application.

26 (2) The administrative law judge shall have all powers  
27 and duties granted to administrative law judges by chapter 120  
28 and by the laws and rules of the department.

29 Section 7. Section 403.5251, Florida Statutes, is  
30 amended to read:

31 403.5251 Distribution of application; schedules.--



1           (1) The formal date of certification application  
2 filing and commencement of the certification review process  
3 shall be the date on which the applicant has submitted to the  
4 department copies of the certification application in a  
5 quantity identified by rule and the certification application  
6 fee specified under s. 403.5365. One copy of the application  
7 shall be submitted in electronic format.

8           (2) Within 7 days after the filing of an application,  
9 the department shall provide the applicant and the Division of  
10 Administrative Hearings the names and addresses of those  
11 affected or other agencies entitled to notice and copies of  
12 the application and any amendments.

13           (3)~~(2)~~ Within 15 7 days after the formal date of the  
14 application filing ~~completeness has been determined~~, the  
15 department shall prepare a proposed schedule of dates for  
16 determination of completeness, submission of statements of  
17 issues, ~~determination of sufficiency~~, and submittal of final  
18 reports, ~~from affected and other agencies~~ and other  
19 significant dates to be followed during the certification  
20 process, including dates for filing notices of appearances to  
21 be a party pursuant to s. 403.527~~(3)~~~~(4)~~. This schedule shall  
22 be provided by the department to the applicant, the  
23 administrative law judge, and the agencies identified pursuant  
24 to subsection~~(2)~~~~(1)~~.

25           (4)~~(3)~~ Within 15 7 days after the filing of the  
26 application ~~completeness has been determined~~, the applicant  
27 shall distribute copies of the application to all agencies  
28 identified by the department pursuant to subsection~~(2)~~ ~~(1)~~.  
29 The applicant shall file a notice that the application has  
30 been distributed to the administrative law judge and the  
31 department. The formal date of the distribution of the

1 application shall be the date on which such notice is filed.

2 Copies of changes and amendments to the application shall be  
3 timely distributed by the applicant to all agencies and  
4 parties who have received a copy of the application.

5 (5) Notice of the filing of the application shall be  
6 made in accordance with the requirements of s. 403.5363 by the  
7 applicant no later than 21 days after the application filing.

8 Section 8. Section 403.5252, Florida Statutes, is  
9 amended to read:

10 403.5252 Determination of completeness.--

11 (1)(a) The department shall consult with the affected  
12 agencies and may include their recommendations on the  
13 completeness of the application. Such agencies shall submit to  
14 the department recommendations on the completeness of the  
15 application within 30 days after the distribution of the  
16 application.

17 (b) Within 45 ~~15~~ days after distribution ~~receipt~~ of an  
18 application, the department shall file a statement with the  
19 Division of Administrative Hearings, ~~and~~ with the applicant,  
20 and with all parties declaring its position with regard to the  
21 completeness, ~~not the sufficiency,~~ of the application.

22 (2)~~(1)~~ If the department declares the application to  
23 be incomplete, the applicant, within 15 days after the filing  
24 of the statement by the department, shall file with the  
25 Division of Administrative Hearings, ~~and~~ with the department,  
26 and with all parties a statement:

27 (a) Agreeing with the statement of the department and  
28 withdrawing the application;

29 (b) Agreeing with the statement of the department and  
30 agreeing to render ~~amend~~ the application complete without  
31 withdrawing it by filing additional information necessary to

1 make the application complete. The time schedules shall be  
2 tolled as of the date of the determination that the  
3 application is not complete,~~referencing a complete~~  
4 ~~application under this act shall not commence~~ until the  
5 application is determined complete; ~~or~~  
6 (c) Notifying the department that the information will  
7 not be supplied, in which case the application shall be  
8 processed as filed; or  
9 (d)~~(c)~~ Contesting the statement of the department.  
10 (3)(a)~~(2)~~ If the applicant contests the determination  
11 by the department that an application is incomplete, the  
12 administrative law judge shall schedule a hearing on the  
13 statement of completeness. The hearing shall be held as  
14 expeditiously as possible, but not later than 30 days after  
15 the filing of the statement by the department. The  
16 administrative law judge shall render a decision within 10  
17 days after the hearing.  
18 (b) Parties to a hearing on the issue of completeness  
19 shall include the applicant, the department, and any agency  
20 that has jurisdiction over the matter in dispute. Any  
21 substantially affected person who wishes to become a party to  
22 the completeness hearing shall file a motion no later than 10  
23 days prior to the date of the hearing.  
24 (c)~~(a)~~ If the administrative law judge determines that  
25 the application was not complete ~~as filed~~, the applicant shall  
26 withdraw the application or make such additional submittals as  
27 necessary to complete it. The time schedules referencing a  
28 complete application under this act shall not commence until  
29 the application is determined complete.  
30 (d)~~(b)~~ If the administrative law judge determines that  
31 the application was complete at the time it was declared

1 incomplete filed, the time schedules referencing a complete  
2 application under this act shall commence upon such  
3 determination.

4 Section 9. Section 403.5253, Florida Statutes, is  
5 repealed.

6 Section 10. Section 403.526, Florida Statutes, is  
7 amended to read:

8 403.526 Preliminary statements of issues, reports,  
9 project impact analyses, and studies.--

10 (1) Each affected agency which received an application  
11 in accordance with s. 403.5251(4)(3) shall submit a  
12 preliminary statement of issues to the department and all  
13 parties the applicant no later than 15 60 days after the  
14 certification application has been determined to be complete  
15 distribution of the complete application. Such statements of  
16 issues shall be made available to each local government for  
17 use as information for public meetings pursuant to s.  
18 403.5272. The failure to raise an issue in this preliminary  
19 statement of issues shall not preclude the issue from being  
20 raised in the agency's report.

21 (2)(a) The following affected agencies shall prepare  
22 reports as provided below and shall submit them to the  
23 department and the applicant no later than 60 ~~within 90~~ days  
24 after the certification application has been determined to be  
25 complete distribution of the complete application:

26 1. The department shall prepare a report as to the  
27 impact of each proposed transmission line or corridor as it  
28 relates to matters within its jurisdiction.

29 2. Each water management district in the jurisdiction  
30 of which a proposed transmission line or corridor is to be  
31

1 | located shall prepare a report as to the impact on water  
2 | resources and other matters within its jurisdiction.

3 |         3. The Department of Community Affairs shall prepare a  
4 | report containing recommendations which address the impact  
5 | upon the public of the proposed transmission line or corridor,  
6 | based on the degree to which the proposed transmission line or  
7 | corridor is consistent with the applicable portions of the  
8 | state comprehensive plan, emergency management, and other  
9 | matters within its jurisdiction. The Department of Community  
10 | Affairs may also comment on the consistency of the proposed  
11 | transmission line or corridor with applicable strategic  
12 | regional policy plans or local comprehensive plans and land  
13 | development regulations.

14 |         4. The Fish and Wildlife Conservation Commission shall  
15 | prepare a report as to the impact of each proposed  
16 | transmission line or corridor on fish and wildlife resources  
17 | and other matters within its jurisdiction.

18 |         5. Each local government shall prepare a report as to  
19 | the impact of each proposed transmission line or corridor on  
20 | matters within its jurisdiction, including the consistency of  
21 | the proposed transmission line or corridor with all applicable  
22 | local ordinances, regulations, standards, or criteria that  
23 | apply to the proposed transmission line or corridor, including  
24 | local comprehensive plans, zoning regulations, land  
25 | development regulations, and any applicable local  
26 | environmental regulations adopted pursuant to s. 403.182 or by  
27 | other means. No change by the responsible local government or  
28 | local agency in local comprehensive plans, zoning ordinances,  
29 | or other regulations made after the date required for the  
30 | filing of the local government's report required by this  
31 | section shall be applicable to the certification of the

1 proposed transmission line or corridor unless the  
2 certification is denied or the application is withdrawn.

3         6. Each regional planning council shall present a  
4 report containing recommendations that address the impact upon  
5 the public of the proposed transmission line or corridor based  
6 on the degree to which the transmission line or corridor is  
7 consistent with the applicable provisions of the strategic  
8 regional policy plan adopted pursuant to chapter 186 and other  
9 impacts of each proposed transmission line or corridor on  
10 matters within its jurisdiction.

11         7. The Department of Transportation shall prepare a  
12 report as to the impact of the proposed transmission line or  
13 corridor on roads, railroads, airports, aeronautics, seaports,  
14 and other matters within its jurisdiction.

15         8. Any other agency within the jurisdiction of which  
16 the proposed transmission line and corridor would be located  
17 may prepare a report addressing the impact of the proposed  
18 transmission line or corridor on matters within that agency's  
19 jurisdiction.

20         (b) Each report shall contain:

21         1. A notice of any nonprocedural requirements not  
22 specifically listed in the application from which a variance,  
23 exemption, exception, or other relief is necessary in order  
24 for the board to certify any corridor proposed for  
25 certification. Failure of such notification shall be treated  
26 as a waiver from the nonprocedural requirements of that  
27 agency.

28         2. A recommendation for approval or denial of the  
29 application.

30         ~~3. the information on variances required by s.~~  
31 ~~403.531(2) and Proposed conditions of certification on matters~~

1 within the jurisdiction of each agency. For each condition  
2 proposed by an agency, the agency shall list the specific  
3 statute, rule, or ordinance, as applicable, which authorizes  
4 the proposed condition.

5 (c) Each reviewing agency shall initiate the  
6 activities required by this section no later than 15 days  
7 after the ~~complete~~ application is distributed. Each agency  
8 shall keep the applicant and the department informed as to the  
9 progress of its studies and any issues raised thereby.

10 (d) Receipt of an affirmative determination of need by  
11 the submittal deadline for agency reports under paragraph (a)  
12 shall be a condition precedent to further processing of the  
13 application.

14 (3) The department shall prepare a project impact  
15 ~~written~~ analysis which contains a compilation of agency  
16 reports and summaries of the material contained therein which  
17 shall be filed with the administrative law judge and served on  
18 all parties no later than 90 ~~135~~ days after the determination  
19 that the application is complete ~~application has been~~  
20 ~~distributed to the affected agencies~~, and which shall include:

21 (a) The studies and reports required by this section  
22 and s. 403.537.

23 (b) Comments received from any other agency or person.

24 (c) The recommendation of the department as to the  
25 disposition of the application, of variances, exemptions,  
26 exceptions, or other relief identified by any party, and of  
27 any proposed conditions of certification which the department  
28 believes should be imposed.

29 (4) The failure of any agency to submit a preliminary  
30 statement of issues or a report, or to submit its preliminary  
31 statement of issues or report within the allowed time, shall

1 not be grounds for the alteration of any time limitation in  
2 this act pursuant to s. 403.528. Neither the failure to submit  
3 a preliminary statement of issues or a report nor the  
4 inadequacy of the preliminary statement of issues or report  
5 shall be grounds to deny or condition certification.

6 Section 11. Section 403.527, Florida Statutes, is  
7 amended to read:

8 403.527 Certification hearing; ~~Notice, proceedings,~~  
9 parties, participants.--

10 ~~(1)(a) No later than 15 days after an application has~~  
11 ~~been determined complete, the applicant shall arrange for~~  
12 ~~publication of a notice of the application and of the~~  
13 ~~proceedings required by this act. Such notice shall give~~  
14 ~~notice of the provisions of s. 403.531(1) and (2).~~

15 ~~(b) The applicant shall arrange for publication of a~~  
16 ~~notice of the certification hearing and other public hearings~~  
17 ~~provided for in this section and notice of the deadline for~~  
18 ~~filing of notice of intent to be a party. Such notices shall~~  
19 ~~be published at least 80 days before the date set for the~~  
20 ~~hearing.~~

21 ~~(c) The applicant shall arrange for publication of a~~  
22 ~~reminder notice in the newspapers specified in paragraph (d)~~  
23 ~~no more than 10 days prior to the certification hearing,~~  
24 ~~reminding the public of the date and location of the hearing.~~  
25 ~~This notice shall not constitute a point of entry for~~  
26 ~~intervention in the proceeding.~~

27 ~~(d) Notices to be published by the applicant shall be~~  
28 ~~published in newspapers of general circulation within counties~~  
29 ~~crossed by the transmission line corridors proper for~~  
30 ~~certification. The required newspaper notices, other than the~~  
31 ~~reminder notice, shall be one-half page in size in a standard~~



1 ~~size newspaper or a full page in a tabloid size newspaper and~~  
2 ~~published in a section of the newspaper other than the legal~~  
3 ~~notices section. These notices shall include a map generally~~  
4 ~~depicting all transmission corridors proper for certification.~~  
5 ~~A newspaper of general circulation shall be the newspaper~~  
6 ~~within a county crossed by a transmission line corridor proper~~  
7 ~~for certification which newspaper has the largest daily~~  
8 ~~circulation in that county and has its principal office in~~  
9 ~~that county. If the newspaper with the largest daily~~  
10 ~~circulation has its principal office outside the county, then~~  
11 ~~the notices shall appear in both the newspaper having the~~  
12 ~~largest circulation in that county and in a newspaper~~  
13 ~~authorized to publish legal notices in that county.~~

14 ~~(e) The department shall publish in the Florida~~  
15 ~~Administrative Weekly notices of the application; of the~~  
16 ~~certification hearing; of the hearing before the board; and of~~  
17 ~~stipulations, proposed agency action, or petitions for~~  
18 ~~modification.~~

19 ~~(f) The department shall adopt rules specifying the~~  
20 ~~content of notices required by this section. All notices~~  
21 ~~published by the applicant shall be paid for by the applicant~~  
22 ~~and shall be in addition to the application fee.~~

23 ~~(1)(a)(2) No later than 125 ~~185~~ days after the~~  
24 ~~application has been determined complete receipt of a complete~~  
25 ~~application by the department, the administrative law judge~~  
26 ~~shall conduct a certification hearing pursuant to ss. 120.569~~  
27 ~~and 120.57 at a central location in proximity to the proposed~~  
28 ~~transmission line or corridor.~~

29 ~~(b) One public hearing where members of the public who~~  
30 ~~are not parties to the certification hearing may testify shall~~  
31

1 | be held within the boundaries of each county, at the option of  
2 | any local government.

3 |       1. The local government shall notify the  
4 | administrative law judge and all parties not later than 40 ~~50~~  
5 | days after the application has been determined ~~receipt of a~~  
6 | complete ~~application~~ as to whether the local government wishes  
7 | to have such a public hearing. The local government shall be  
8 | responsible for determining the location of the public  
9 | hearing.

10 |       2. Within 5 days after ~~of~~ such notification, the  
11 | administrative law judge shall determine the date of such  
12 | public hearing, which shall be held before or during the  
13 | certification hearing. In the event two or more local  
14 | governments within one county request such a public hearing,  
15 | the hearing shall be consolidated so that only one such public  
16 | hearing is held in any county. The location of a consolidated  
17 | hearing shall be determined by the administrative law judge.

18 |       3. If a local government does not request a public  
19 | hearing within 40 ~~50~~ days after the application has been  
20 | determined ~~receipt of a~~ complete ~~application~~, persons residing  
21 | within the jurisdiction of such local government may testify  
22 | at the public hearing portion of the certification hearing.

23 |       (c) The order of presentation at the certification  
24 | hearing, unless otherwise changed by the administrative law  
25 | judge to ensure the orderly presentation of witnesses and  
26 | evidence, shall be:

27 |           1. The applicant.

28 |           2. The department.

29 |           3. State agencies.

30 |           4. Regional agencies, including regional planning  
31 | councils and water management districts.

1           5. Local governments.

2           6. Other parties.

3           (d) When appropriate, any person may be given an  
4 opportunity to present oral or written communications to the  
5 administrative law judge. If the administrative law judge  
6 proposes to consider such communications, all parties shall be  
7 given an opportunity to cross-examine, challenge, or rebut  
8 such communications.

9           (e) The applicant shall pay those expenses and costs  
10 associated with the conduct of the hearings and the recording  
11 and transcription of the proceedings.

12           (2) Notice of the certification hearing and other  
13 public hearings provided for in this section and notice of the  
14 deadline for filing of notice of intent to be a party shall be  
15 made in accordance with the requirements of s. 403.5363. Such  
16 notices shall be published at least 65 days before the date  
17 set for the certification hearing.

18           ~~(3)(a) At the conclusion of the certification hearing,~~  
19 ~~the administrative law judge shall, after consideration of all~~  
20 ~~evidence of record, issue a recommended order disposing of the~~  
21 ~~application no later than 60 days after the transcript of the~~  
22 ~~certification hearing and the public hearings is filed with~~  
23 ~~the Division of Administrative Hearings.~~

24           ~~(b) In the event the administrative law judge fails to~~  
25 ~~issue a recommended order within 60 days after the filing of~~  
26 ~~the hearing transcript, the administrative law judge shall~~  
27 ~~submit a report to the board with a copy to all parties within~~  
28 ~~60 days after the filing of the hearing transcript to advise~~  
29 ~~the board of the reason for the delay in the issuance of the~~  
30 ~~recommended order and of the date by which the recommended~~  
31 ~~order will be issued.~~

1           ~~(3)(4)~~(a) Parties to the proceeding shall be:  
2           1. The applicant.  
3           2. The department.  
4           3. The commission.  
5           4. The Department of Community Affairs.  
6           5. The Fish and Wildlife Conservation Commission.  
7           6. The Department of Transportation.  
8           ~~7.6.~~ Each water management district in the  
9 jurisdiction of which the proposed transmission line or  
10 corridor is to be located.  
11           ~~8.7.~~ The local government.  
12           ~~9.8.~~ The regional planning council.  
13           (b) Any party listed in paragraph (a), other than the  
14 department or the applicant, may waive its right to  
15 participate in these proceedings. If any listed party fails to  
16 file a notice of its intent to be a party on or before the  
17 30th day prior to the certification hearing, such party shall  
18 be deemed to have waived its right to be a party unless its  
19 participation would not prejudice the rights of any party to  
20 the proceeding.  
21           (c) Notwithstanding the provisions of chapter 120 to  
22 the contrary, upon the filing with the administrative law  
23 judge of a notice of intent to be a party by an agency or  
24 corporation or association described in subparagraphs 1. and  
25 2. or a petition for intervention by a person described in  
26 subparagraph 3. no later than 30 days prior to the date set  
27 for the certification hearing, the following shall also be  
28 parties to the proceeding:  
29           1. Any agency not listed in paragraph (a) as to  
30 matters within its jurisdiction.  
31

1           2. Any domestic nonprofit corporation or association  
2 formed, in whole or in part, to promote conservation of  
3 natural beauty; to protect the environment, personal health,  
4 or other biological values; to preserve historical sites; to  
5 promote consumer interests; to represent labor, commercial, or  
6 industrial groups; or to promote comprehensive planning or  
7 orderly development of the area in which the proposed  
8 transmission line or corridor is to be located.

9           3. Any person whose substantial interests are affected  
10 and being determined by the proceeding.

11           (d) Any agency whose properties or works may be  
12 affected shall be made a party upon the request of the agency  
13 or any party to this proceeding.

14           (4)(a) At the conclusion of the certification hearing,  
15 the administrative law judge shall, after consideration of all  
16 evidence of record, issue a recommended order disposing of the  
17 application no later than 45 days after the transcript of the  
18 certification hearing and the public hearings is filed with  
19 the Division of Administrative Hearings.

20           (b) In the event the administrative law judge fails to  
21 issue a recommended order within 45 days after the filing of  
22 the hearing transcript, the administrative law judge shall  
23 submit a report to the siting board with a copy to all parties  
24 within 60 days after the filing of the hearing transcript to  
25 advise the siting board of the reason for the delay in the  
26 issuance of the recommended order and of the date by which the  
27 recommended order will be issued.

28           (5)(a) No later than 25 days prior to the conduct of  
29 the certification hearing, the department or the applicant may  
30 request that the administrative law judge cancel the  
31 certification hearing and relinquish jurisdiction to the

1 department if all parties to the proceeding stipulate that  
2 there are no disputed issues of fact to be raised at the  
3 certification hearing.

4 (b) The administrative law judge shall issue an order  
5 granting or denying the request within 5 days.

6 (c) If the administrative law judge grants the  
7 request, no later than 7 days prior to the date of the  
8 originally scheduled certification hearing, the department and  
9 the applicant shall publish notices of the cancellation of the  
10 certification hearing in accordance with s. 403.5363.

11 (d) If the administrative law judge grants the  
12 request, within 30 days after the administrative law judge's  
13 order relinquishing jurisdiction, the department shall prepare  
14 a recommended order, including proposed conditions of  
15 certification, for final action by the siting board. Parties  
16 may submit proposed recommended orders to the department no  
17 later than 10 days after the administrative law judge issues  
18 his or her order relinquishing jurisdiction.

19 ~~(5) When appropriate, any person may be given an~~  
20 ~~opportunity to present oral or written communications to the~~  
21 ~~administrative law judge. If the administrative law judge~~  
22 ~~proposes to consider such communications, all parties shall be~~  
23 ~~given an opportunity to cross-examine or challenge or rebut~~  
24 ~~such communications.~~

25 ~~(6) The administrative law judge shall have all powers~~  
26 ~~and duties granted to administrative law judges by chapter 120~~  
27 ~~and by the laws and rules of the department, including the~~  
28 ~~authority to resolve disputes over the completeness or~~  
29 ~~sufficiency of an application for certification.~~

30 ~~(7) The order of presentation at the certification~~  
31 ~~hearing, unless otherwise changed by the administrative law~~

1 ~~judge to ensure the orderly presentation of witnesses and~~  
2 ~~evidence, shall be:~~

3 ~~(a) The applicant.~~

4 ~~(b) The department.~~

5 ~~(c) State agencies.~~

6 ~~(d) Regional agencies, including regional planning~~  
7 ~~councils and water management districts.~~

8 ~~(e) Local governments.~~

9 ~~(f) Other parties.~~

10 ~~(g) The applicant shall pay those expenses and costs~~  
11 ~~associated with the conduct of the hearings and the recording~~  
12 ~~and transcription of the proceedings.~~

13 Section 12. Subsections (1) and (3) of section  
14 403.5271, Florida Statutes, are amended to read:

15 403.5271 Alternate corridors.--

16 (1) No later than 50 days prior to the originally  
17 scheduled certification hearing, any party may propose  
18 alternate transmission line corridor routes for consideration  
19 pursuant to the provisions of this act.

20 (a) A notice of any such proposed alternate corridor  
21 shall be filed with the administrative law judge, all parties,  
22 and any local governments in whose jurisdiction the alternate  
23 corridor is proposed. Such filing shall include the most  
24 recent United States Geological Survey 1:24,000 quadrangle  
25 maps specifically delineating the corridor boundaries, a  
26 description of the proposed corridor, and a statement of the  
27 reasons the proposed alternate corridor should be certified.

28 (b)1. Within 7 days after receipt of such notice, the  
29 applicant and the department shall file with the  
30 administrative law judge and all parties a notice of  
31 acceptance or rejection of a proposed alternate corridor for

1 consideration. If the alternate corridor is rejected either by  
2 the applicant or the department, the certification hearing and  
3 the public hearings shall be held as scheduled. If both the  
4 applicant and the department accept a proposed alternate  
5 corridor for consideration, the certification hearing and the  
6 public hearings shall be rescheduled, if necessary.

7 2. If rescheduled, the certification hearing shall be  
8 held no more than 100 ~~90~~ days after the previously scheduled  
9 certification hearing, unless additional time is needed due to  
10 the alternate corridor crossing a local government  
11 jurisdiction not previously affected, in which case the  
12 remainder of the schedule listed below shall be appropriately  
13 adjusted by the administrative law judge to allow that local  
14 government to prepare a report pursuant to s. 403.526(2)(a)5.

15 (c) Notice of the filing of the alternate, of the  
16 revised time schedules, of the deadline for newly affected  
17 persons and agencies to file notice of intent to become a  
18 party, of the rescheduled hearing date, and of the proceedings  
19 pursuant to s. 403.527(1)(b) and (c) shall be published in  
20 accordance with the requirements of s. 403.5363 at least 65  
21 days prior to the rescheduled hearing.

22 (d) Within 21 ~~25~~ days after acceptance of an alternate  
23 corridor by the department and the applicant, the party  
24 proposing an alternate corridor shall have the burden of  
25 providing all additional data to the agencies listed in s.  
26 403.526(2), and newly affected agencies, necessary for the  
27 preparation of a supplementary report on the proposed  
28 alternate corridor.

29 (e) 1. Reviewing agencies shall advise the department  
30 of their completeness issues no later than 12 days after the  
31 submission of the data required by paragraph (d). ~~If the~~



1 ~~department determines~~ Within 15 days after receipt of such  
2 data, the department shall issue a determination of  
3 completeness.

4       2. If the department determines that the this  
5 additional data required by paragraph (d) is not complete  
6 insufficient, the party proposing the alternate corridor shall  
7 file such additional data that corrects the incompleteness.  
8 This additional data must be submitted insufficiency within 15  
9 days after the filing of the department's determination.

10       3. If such additional information data is determined  
11 by the department within 15 days after receipt to be  
12 incomplete insufficient, such incompleteness insufficiency of  
13 data shall be deemed a withdrawal of the proposed alternate  
14 corridor. ~~The party proposing an alternate corridor shall have~~  
15 ~~the burden of proof on the certifiability of the alternate~~  
16 ~~corridor at the certification hearing pursuant to s.~~  
17 ~~403.529(4). Nothing in this act shall be construed as~~  
18 ~~requiring the applicant or agencies not proposing the~~  
19 ~~alternate corridor to submit data in support of such alternate~~  
20 ~~corridor.~~

21       (f) The agencies listed in s. 403.526(2) and any newly  
22 affected agencies shall file supplementary reports with the  
23 applicant and department that address ~~addressing~~ the proposed  
24 alternate corridors no later than 30 60 days after the  
25 ~~additional data is~~ submitted pursuant to paragraph (d)~~(e)~~is  
26 determined to be complete.

27       (g) The agency reports on alternate corridors shall  
28 include all information required by s. 403.526(2) agencies  
29 ~~shall submit supplementary notice pursuant to s. 403.531(2) at~~  
30 ~~the time of filing of their supplemental report.~~

31

1           (h) The department shall file with the administrative  
2 law judge, the applicant, and all parties a project impact  
3 ~~prepare a written~~ analysis consistent with s. 403.526(3) at  
4 least 29 days prior to the rescheduled certification hearing  
5 addressing the proposed alternate corridor.

6           (3)(a) Notwithstanding the rejection of a proposed  
7 alternate corridor by the applicant or the department, any  
8 party may present evidence at the certification hearing to  
9 show that a corridor proper for certification does not satisfy  
10 the criteria listed in s. 403.529 or that a rejected alternate  
11 corridor would meet the criteria set forth in s. 403.529. No  
12 evidence shall be admitted at the certification hearing on any  
13 alternate corridor, unless the alternate corridor was proposed  
14 by the filing of a notice at least 50 days prior to the  
15 originally scheduled certification hearing pursuant to this  
16 section. Rejected alternate corridors shall be considered by  
17 the board as provided in s. 403.529(4) and (5).

18           (b) The party proposing an alternate corridor shall  
19 have the burden of proof on the certifiability of the  
20 alternate corridor at the certification hearing pursuant to s.  
21 403.529(4). Nothing in this act shall be construed as  
22 requiring the applicant or agencies not proposing the  
23 alternate corridor to submit data in support of such alternate  
24 corridor.

25           Section 13. Section 403.5272, Florida Statutes, is  
26 amended to read:

27           403.5272 ~~Local governments~~ Informational public  
28 meetings.--

29           (1) Local governments or regional planning councils  
30 may hold informational public meetings in addition to the  
31 hearings specifically authorized by this act on any matter

1 associated with the transmission line proceeding. Such  
2 informational public meetings should be held no later than 30  
3 ~~80~~ days after the application has been determined complete is  
4 ~~filed~~. The purpose of an informational public meeting is for  
5 the local government or regional planning council to further  
6 inform the general public about the transmission line  
7 proposed, obtain comments from the public, and formulate its  
8 recommendation with respect to the proposed transmission line.

9 (2) Informational public meetings shall be held solely  
10 at the option of each local government or regional planning  
11 council. It is the legislative intent that local governments  
12 or regional planning councils attempt to hold such public  
13 meetings. Parties to the proceedings under this act shall be  
14 encouraged to attend; however, no party other than the  
15 applicant and the department shall be required to attend such  
16 informational public hearings.

17 (3) The failure to hold an informational public  
18 meeting or the procedure used for the informational public  
19 meeting shall not be grounds for the alteration of any time  
20 limitation in this act pursuant to s. 403.528 or grounds to  
21 deny or condition certification.

22 Section 14. Subsection (1) of section 403.5275,  
23 Florida Statutes, is amended to read:

24 403.5275 Amendment to the application.--

25 (1) Any amendment made to the application prior to  
26 certification shall be sent by the applicant to the  
27 administrative law judge and to all parties to the proceeding.

28 Section 15. Subsections (1) and (2) and paragraph (e)  
29 of subsection (4) of section 403.529, Florida Statutes, are  
30 amended to read:

31 403.529 Final disposition of application.--

1           (1) Within 30 days after receipt of the administrative  
2 law judge's or the department's recommended order, the board  
3 shall act upon the application by written order, approving in  
4 whole, approving with such conditions as the board deems  
5 appropriate, or denying the certification and stating the  
6 reasons for issuance or denial.

7           (2) The issues that may be raised in any hearing  
8 before the board shall be limited to matters raised in the  
9 certification proceeding before the administrative law judge  
10 or raised in the administrative law judge's or department's  
11 recommended order. All parties, or their representatives, or  
12 persons who appear before the board shall be subject to the  
13 provisions of s. 120.66.

14           (4) In determining whether an application should be  
15 approved in whole, approved with modifications or conditions,  
16 or denied, the board shall consider whether, and the extent to  
17 which, the location of the transmission line corridor and the  
18 construction and maintenance of the transmission line will:

19           (e) Effect a reasonable balance between the need for  
20 the transmission line as a means of providing reliable,  
21 economically efficient electric ~~abundant low-cost electrical~~  
22 energy and the impact upon the public and the environment  
23 resulting from the location of the transmission line corridor  
24 and maintenance of the transmission lines.

25           Section 16. Subsections (2) and (3) of section  
26 403.531, Florida Statutes, are amended to read:

27           403.531 Effect of certification.--

28           (2)(a) The certification shall authorize the licensee  
29 ~~applicant~~ to locate the transmission line corridor and to  
30 construct and maintain the transmission lines subject only to  
31

1 the conditions of certification set forth in such  
2 certification.

3 (b) The certification may include conditions which  
4 constitute variances and exemptions from nonprocedural  
5 standards or regulations of the department or any other  
6 agency, which were expressly considered during the  
7 certification review proceeding unless waived by the agency as  
8 provided s. 403.526 ~~below~~ and which otherwise would be  
9 applicable to the location of the proposed transmission line  
10 corridor or the construction and maintenance of the  
11 transmission lines. ~~Each party shall notify the applicant and~~  
12 ~~other parties at the time scheduled for the filing of the~~  
13 ~~agency reports of any nonprocedural requirements not~~  
14 ~~specifically listed in the application from which a variance,~~  
15 ~~exemption, exception, or other relief is necessary in order~~  
16 ~~for the board to certify any corridor proposed for~~  
17 ~~certification. Failure of such notification shall be treated~~  
18 ~~as a waiver from the nonprocedural requirements of that~~  
19 ~~agency.~~

20 (3)(a) The certification shall be in lieu of any  
21 license, permit, certificate, or similar document required by  
22 any agency pursuant to, but not limited to, chapter 125,  
23 chapter 161, chapter 163, chapter 166, chapter 186, chapter  
24 253, chapter 258, chapter 298, chapter 370, chapter 373,  
25 chapter 376, chapter 380, chapter 381, chapter 387, chapter  
26 403, chapter 404, or the Florida Transportation Code, ~~or 33~~  
27 ~~U.S.C. s. 1341.~~

28 (b) On certification, any license, easement, or other  
29 interest in state lands, except those the title of which is  
30 vested in the Board of Trustees of the Internal Improvement  
31 Trust Fund, shall be issued by the appropriate agency as a

1 ministerial act. The applicant shall be required to seek any  
2 necessary interest in state lands the title to which is vested  
3 in the Board of Trustees of the Internal Improvement Trust  
4 Fund from the board of trustees before, during, or after the  
5 certification proceeding, and certification may be made  
6 contingent upon issuance of the appropriate interest in  
7 realty. However, neither the applicant nor any party to the  
8 certification proceeding may directly or indirectly raise or  
9 relitigate any matter which was or could have been an issue in  
10 the certification proceeding in any proceeding before the  
11 Board of Trustees of the Internal Improvement Trust Fund  
12 wherein the applicant is seeking a necessary interest in state  
13 lands, but the information presented in the certification  
14 proceeding shall be available for review by the board of  
15 trustees and its staff.

16 Section 17. Section 403.5312, Florida Statutes, is  
17 amended to read:

18 403.5312 Filing ~~Recording~~ of notice of certified  
19 corridor route.--

20 (1) Within 60 days after certification of a directly  
21 associated transmission line pursuant to ss. 403.501-403.518  
22 or a transmission line corridor pursuant to ss.  
23 403.52-403.5365, the applicant shall file, in accordance with  
24 s. 28.222, with the department and the clerk of the circuit  
25 court for each county through which the corridor will pass, a  
26 notice of the certified route.

27 (2) The notice shall consist of maps or aerial  
28 photographs in the scale of 1:24,000 which clearly show the  
29 location of the certified route and shall state that the  
30 certification of the corridor will result in the acquisition  
31 of rights-of-way within the corridor. Each clerk shall record

1 the filing in the official record of the county for the  
2 duration of the certification or until such time as the  
3 applicant certifies to the department and the clerk that all  
4 lands required for the transmission line rights-of-way within  
5 the corridor have been acquired within such county, whichever  
6 is sooner.

7 (3) The recording of this notice shall not constitute  
8 a lien, cloud, or encumbrance on real property.

9 Section 18. Section 403.5317, Florida Statutes, is  
10 created to read:

11 403.5317 Postcertification amendments.--

12 (1) If, subsequent to certification by the board, a  
13 licensee proposes any material change to the application, and  
14 revisions or amendments thereto, as certified, the licensee  
15 shall submit to the department a written request for amendment  
16 and description of the proposed change to the application. The  
17 department shall, within 30 days after the receipt of the  
18 request for the amendment, determine whether the proposed  
19 change to the application requires a modification of the  
20 conditions of certification.

21 (2) If the department concludes that the change would  
22 not require a modification of the conditions of certification,  
23 the department shall notify, in writing, the licensee, all  
24 agencies, and all parties of the approval of the proposed  
25 amendment.

26 (3) If the department concludes that the change would  
27 require a modification of the conditions of certification, the  
28 department shall notify the licensee that the proposed change  
29 to the application requires a request for modification  
30 pursuant to s. 403.5315.

31

1           Section 19. Section 403.5363, Florida Statutes, is  
2 created to read:

3           403.5363 Public notices, requirements.--

4           (1)(a) The applicant shall arrange for the publication  
5 of the following notices. Such notices shall be published in  
6 newspapers of general circulation within counties crossed by  
7 the transmission line corridors proper for certification:

8           1. Notice of the submittal of the application, which  
9 shall include a description of the proceedings required by  
10 this act. Such notice shall give notice of the provisions of  
11 s. 403.531(1) and (2) and the notice of the deadline for  
12 filing of notice of intent to be a party.

13           2. Notice of the certification hearing.

14           3. Notice of the cancellation of the certification  
15 hearing, if applicable.

16           4. Notice of filing of a modification proposal  
17 submitted pursuant to s. 403.5315, if the department  
18 determines that the modification would require relocation or  
19 expansion of the transmission line right-of-way or a certified  
20 substation.

21           (b) The proponent of an alternate corridor shall  
22 arrange for the publication of the filing of the alternate, of  
23 the revised time schedules, of the deadline for newly affected  
24 persons and agencies to file notice of intent to become a  
25 party, and of the rescheduled hearing dates. Such notices  
26 shall be published in newspapers of general circulation within  
27 counties crossed by the proposed alternate corridor.

28           (c) The department shall arrange for publication of  
29 the following notices in the manner specified by chapter 120:

30           1. Notice of the submittal of the application and the  
31 deadline to become a party.



1           2. Notice of any administrative hearings on  
2 certification.

3           3. Notice of the cancellation of the certification  
4 hearings, if applicable.

5           4. Notice of the hearing before the siting board.

6           5. Notice of stipulations, proposed agency action, or  
7 petitions for modification.

8           (2) The department shall adopt rules specifying the  
9 content of notices required by this section. All notices  
10 published by the applicant shall be paid for by the applicant  
11 and shall be in addition to the application fee.

12           Section 20. Section 403.5365, Florida Statutes, is  
13 amended to read:

14           403.5365 Fees; disposition.--The department shall  
15 charge the applicant the following fees, as appropriate,  
16 which, unless otherwise specified, shall be paid into the  
17 Florida Permit Fee Trust Fund:

18           (1) An application fee of \$150,000~~\$100,000~~, plus \$750  
19 per mile for each mile of corridor in which the transmission  
20 line right-of-way is proposed to be located within an existing  
21 electric ~~electrical~~ transmission line right-of-way or within  
22 any existing right-of-way for any road, highway, railroad, or  
23 other aboveground linear facility, or \$1,000 per mile for each  
24 mile of electric transmission line corridor proposed to be  
25 located outside such existing right-of-way.

26           (a) Fifty ~~Sixty~~ percent of the fee shall go to the  
27 department to cover any costs associated with coordinating the  
28 review of ~~reviewing and acting upon~~ the application and any  
29 costs for ~~field~~ services associated with monitoring  
30 construction and operation of the electric transmission line  
31 facility.

1           (b) The following sums ~~Twenty percent of the fees~~  
2 ~~specified under this section, except postcertification fees,~~  
3 shall be transferred to the Administrative Trust Fund of the  
4 Division of Administrative Hearings of the Department of  
5 Management Services:

6           1. Five percent to compensate for expenses from the  
7 initial exercise of duties associated with the filing of an  
8 application.

9           2. An additional 10 percent if an administrative  
10 hearing pursuant to s. 403.527 is held.

11           (c) Upon written request with proper itemized  
12 accounting within 90 days after final agency action by the  
13 board or withdrawal of the application, the agencies that  
14 prepared reports pursuant to s. 403.526 or s. 403.5271 or  
15 participated in a hearing pursuant to s. 403.527 or s.  
16 403.5271 may submit a written request to the department for  
17 reimbursement of expenses incurred during the certification  
18 proceedings. The request shall contain an accounting of  
19 expenses incurred, which may include time spent reviewing the  
20 application, ~~department shall reimburse the expenses and costs~~  
21 ~~of the Department of Community Affairs, the Fish and Wildlife~~  
22 ~~Conservation Commission, the water management district,~~  
23 ~~regional planning council, and local government in the~~  
24 ~~jurisdiction of which the transmission line is to be located.~~  
25 ~~Such reimbursement shall be authorized for the preparation of~~  
26 ~~any studies required of the agencies by this act, and for~~  
27 ~~agency travel and per diem to attend any hearing held pursuant~~  
28 ~~to this act, and for the local~~ government's or regional  
29 planning council's provision of additional notice of the  
30 informational public meetings ~~government to participate in the~~  
31 ~~proceedings. The department shall review the request and~~

1 verify that the expenses are valid. Valid expenses shall be  
2 reimbursed; however, in the event the amount of funds  
3 available for reimbursement allocation is insufficient to  
4 provide for full compensation ~~complete reimbursement~~ to the  
5 agencies requesting reimbursement, reimbursement shall be on a  
6 prorated basis.

7 (d) If any sums are remaining, the department shall  
8 retain them for its use in the same manner as is otherwise  
9 authorized by this section; ~~provided, however, that~~ if the  
10 certification application is withdrawn prior to the initial  
11 determination on completeness, one-half of the application fee  
12 ~~the remaining sums~~ shall be refunded to the applicant within  
13 90 days after withdrawal.

14 (2) An amendment fee.

15 (a) If no corridor alignment change is proposed by the  
16 amendment, no amendment fee shall be charged.

17 (b) If a corridor alignment change pursuant to s.  
18 403.5275(2) is proposed by the applicant, an additional fee of  
19 a minimum of \$2,000 and \$750 per mile shall be submitted to  
20 the department for use in accordance with this act.

21 (c) If an amendment is required to address issues,  
22 including alternate corridors pursuant to s. 403.5271, raised  
23 by the department or other parties, no fee for such amendment  
24 shall be charged.

25 (3) A certification modification fee.

26 (a) If no corridor alignment change is proposed by the  
27 licensee applicant, the modification fee shall be \$4,000.

28 (b) If a corridor alignment change is proposed by the  
29 licensee applicant, the fee shall be \$1,000 for each mile of  
30 realignment plus an amount not to exceed \$10,000 to be fixed  
31 by rule on a sliding scale based on the load-carrying

1 capability and configuration of the transmission line for use  
2 in accordance with subsection (2).

3 Section 21. Section 403.5369, Florida Statutes, is  
4 repealed.

5 Section 22. Paragraphs (a) and (c) of subsection (1)  
6 of section 403.537, Florida Statutes, are amended to read:

7 403.537 Determination of need for transmission line;  
8 powers and duties.--

9 (1)(a) Upon request by an applicant or upon its own  
10 motion, the Florida Public Service Commission shall schedule a  
11 public hearing, after notice, to determine the need for a  
12 transmission line regulated by the Florida Electric  
13 Transmission Line Siting Act, ss. 403.52-403.5365. Such notice  
14 shall be published at least 21 ~~45~~ days before the date set for  
15 the hearing and shall be published in at least one-quarter  
16 page size notice in newspapers of general circulation, in the  
17 Florida Administrative Weekly, by giving notice to counties  
18 and regional planning councils in whose jurisdiction the  
19 transmission line could be placed, and by giving notice to any  
20 persons who have requested to be placed on the mailing list of  
21 the commission for this purpose. Within 21 days after receipt  
22 of a request for determination by an applicant, the commission  
23 shall set a date for the hearing. The hearing shall be held  
24 pursuant to s. 350.01 within 45 days after the filing of the  
25 request, and a decision shall be rendered within 60 days after  
26 such filing.

27 (c) The determination by the commission of the need  
28 for the transmission line, as defined in s. 403.522(21), is  
29 binding on all parties to any certification proceeding  
30 pursuant to the Florida Electric Transmission Line Siting Act  
31 and is a condition precedent to the conduct of the

1 certification hearing prescribed therein. An order entered  
2 pursuant to this section constitutes final agency action.

3 Section 23. Subsection (3) of section 373.441, Florida  
4 Statutes, is amended to read:

5 373.441 Role of counties, municipalities, and local  
6 pollution control programs in permit processing.--

7 (3) The department shall review environmental resource  
8 permit applications for electrical distribution and  
9 transmission lines and other facilities related to the  
10 production, transmission, and distribution of electricity  
11 which are not certified under ss. 403.52-403.5365, the Florida  
12 Electric Transmission Line Siting Act, regulated under this  
13 part.

14 Section 24. Subsection (30) of section 403.061,  
15 Florida Statutes, is amended to read:

16 403.061 Department; powers and duties.--The department  
17 shall have the power and the duty to control and prohibit  
18 pollution of air and water in accordance with the law and  
19 rules adopted and promulgated by it and, for this purpose, to:

20 (30) Establish requirements by rule that reasonably  
21 protect the public health and welfare from electric and  
22 magnetic fields associated with existing 230 kV or greater  
23 electrical transmission lines, new 230 kV and greater  
24 electrical transmission lines for which an application for  
25 certification under the Florida Electric Transmission Line  
26 Siting Act, ss. 403.52-403.5365, is not filed, new or existing  
27 electrical transmission or distribution lines with voltage  
28 less than 230 kV, and substation facilities. Notwithstanding  
29 any other provision in this chapter or any other law of this  
30 state or political subdivision thereof, the department shall  
31 have exclusive jurisdiction in the regulation of electric and

1 magnetic fields associated with all electrical transmission  
2 and distribution lines and substation facilities. However,  
3 nothing herein shall be construed as superseding or repealing  
4 the provisions of s. 403.523(1) and (10).

5  
6 The department shall implement such programs in conjunction  
7 with its other powers and duties and shall place special  
8 emphasis on reducing and eliminating contamination that  
9 presents a threat to humans, animals or plants, or to the  
10 environment.

11 Section 25. Paragraph (a) of subsection (3) of section  
12 403.0876, Florida Statutes, is amended to read:

13 403.0876 Permits; processing.--

14 (3)(a) The department shall establish a special unit  
15 for permit coordination and processing to provide expeditious  
16 processing of department permits which the district offices  
17 are unable to process expeditiously and to provide accelerated  
18 processing of certain permits or renewals for economic and  
19 operating stability. The ability of the department to process  
20 applications pursuant to this subsection in a more timely  
21 manner than allowed by subsections (1) and (2) is dependent  
22 upon the timely exchange of information between the applicant  
23 and the department and the intervention of outside parties as  
24 allowed by law. An applicant may request the processing of its  
25 permit application by the special unit if the application is  
26 from an area of high unemployment or low per capita income, is  
27 from a business or industry that is the primary employer  
28 within an area's labor market, or is in an industry with  
29 respect to which the complexities involved in the review of  
30 the application require special skills uniquely available in  
31 the headquarters office. The department may require the

1 applicant to waive the 90-day time limitation for department  
2 issuance or denial of the permit once for a period not to  
3 exceed 90 days. The department may require a special fee to  
4 cover the direct cost of processing special applications in  
5 addition to normal permit fees and costs. The special fee may  
6 not exceed \$10,000 per permit required. Applications for  
7 renewal permits, but not applications for initial permits,  
8 required for facilities pursuant to the Electrical Power Plant  
9 Siting Act or the Florida Electric Transmission Line Siting  
10 Act may be processed under this subsection. Personnel staffing  
11 the special unit shall have lengthy experience in permit  
12 processing.

13 Section 26. Paragraph (b) of subsection (3) of section  
14 403.809, Florida Statutes, is amended to read:

15 403.809 Environmental districts; establishment;  
16 managers; functions.--

17 (3)

18 (b) The processing of all applications for permits,  
19 licenses, certificates, and exemptions shall be accomplished  
20 at the district center or the branch office, except for those  
21 applications specifically assigned elsewhere in the department  
22 under s. 403.805 or to the water management districts under s.  
23 403.812 and those applications assigned by interagency  
24 agreement as provided in this act. However, the secretary, as  
25 head of the department, may not delegate to district or  
26 subdistrict managers, water management districts, or any unit  
27 of local government the authority to act on the following  
28 types of permit applications:

29 1. Permits issued under s. 403.0885, except such  
30 permit issuance may be delegated to district managers.

31 2. Construction of major air pollution sources.

1           3. Certifications under the Florida Electrical Power  
2 Plant Siting Act or the Florida Electric Transmission Line  
3 Siting Act and the associated permit issued under s. 403.0885,  
4 if applicable.

5           4. Permits issued under s. 403.0885 to steam electric  
6 generating facilities regulated pursuant to 40 C.F.R. part  
7 423.

8           5. Permits issued under s. 378.901.  
9           Section 27. This act shall take effect upon becoming a  
10 law.

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