

By the Committee on Communication and Public Utilities; and
Senator Posey

319-2101-04

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
10 established at any time for roads, highways, railroads, gas,
11 water, oil, electricity, or sewage and any other public
12 purpose rights-of-way. If an established transmission line
13 right-of-way is used to qualify for this exemption, the
14 transmission line right-of-way must have been established at
15 least 5 years before the start of construction of the proposed
16 transmission line. If an established transmission line
17 right-of-way is relocated to accommodate a public project, the
18 date of establishment of the original transmission line
19 right-of-way shall apply to the relocated transmission line
20 right-of-way for purposes of this exemption.~~Except for~~
21 ~~transmission line rights-of-way, established rights-of-way~~
22 ~~include rights-of-way created before or after October 1, 1983.~~
23 ~~For transmission line rights-of-way, established rights-of-way~~
24 ~~include rights-of-way created before October 1, 1983.~~

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

29 (3) The exemption of a transmission line under this
30 act does not constitute an exemption for the transmission line
31

1 from other applicable permitting processes under other
2 provisions of law or local government ordinances.

3 (4) A utility shall notify the department in writing,
4 prior to the start of construction, of the electric utility's
5 ~~its~~ intent to construct a transmission line exempted pursuant
6 to this section. Such notice shall be only for information
7 purposes, and no action by the department shall be required
8 pursuant to such notice. Notice may be included in any
9 demonstration filed with the department prior to the start of
10 construction that a new transmission line complies with the
11 applicable electric and magnetic field standards.

12 Section 6. Section 403.525, Florida Statutes, is
13 amended to read:

14 403.525 Administrative law judge; appointment; powers
15 and duties of administrative law judge.--

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

31

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

4 Section 7. Section 403.5251, Florida Statutes, is
5 amended to read:

6 403.5251 Distribution of application; schedules.--

7 (1) The formal date of certification application
8 filing and commencement of the certification review process
9 shall be the date on which the applicant has submitted to the
10 department copies of the certification application in a
11 quantity identified by rule and the certification application
12 fee specified under s. 403.5365. One copy of the application
13 shall be submitted in electronic format.

14 (2) Within 7 days after the filing of an application,
15 the department shall provide the applicant and the Division of
16 Administrative Hearings the names and addresses of those
17 affected or other agencies entitled to notice and copies of
18 the application and any amendments.

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

31

1 ~~(4)(3)~~ Within 15 ~~7~~ days after the filing of the
2 application completeness has been determined, the applicant
3 shall distribute copies of the application to all agencies
4 identified by the department pursuant to subsection (2) ~~(1)~~.
5 The applicant shall file a notice that the application has
6 been distributed to the administrative law judge and the
7 department. The formal date of the distribution of the
8 application shall be the date on which such notice is filed.
9 Copies of changes and amendments to the application shall be
10 timely distributed by the applicant to all agencies and
11 parties who have received a copy of the application.

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

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

17 403.5252 Determination of completeness.--

18 (1)(a) The department shall consult with the affected
19 agencies and may include their recommendations on the
20 completeness of the application. Such agencies shall submit to
21 the department recommendations on the completeness of the
22 application within 30 days after the distribution of the
23 application.

24 (b) Within 45 ~~15~~ days after distribution ~~receipt~~ of an
25 application, the department shall file a statement with the
26 Division of Administrative Hearings, ~~and~~ with the applicant,
27 and with all parties declaring its position with regard to the
28 completeness, ~~not the sufficiency~~, of the application.

29 (2) ~~(1)~~ If the department declares the application to
30 be incomplete, the applicant, within 15 days after the filing
31 of the statement by the department, shall file with the

1 Division of Administrative Hearings, ~~and~~ with the department,
2 and with all parties a statement:

3 (a) Agreeing with the statement of the department and
4 withdrawing the application;

5 (b) Agreeing with the statement of the department and
6 agreeing to render ~~amend~~ the application complete without
7 withdrawing it by filing additional information necessary to
8 make the application complete. The time schedules shall be
9 tolled as of the date of the determination that the
10 application is not complete, referencing a complete
11 ~~application under this act shall not commence~~ until the
12 application is determined complete; ~~or~~

13 (c) Notifying the department that the information will
14 not be supplied, in which case the application shall be
15 processed as filed; or

16 (d)~~(c)~~ Contesting the statement of the department.

17 (3)(a)~~(2)~~ If the applicant contests the determination
18 by the department that an application is incomplete, the
19 administrative law judge shall schedule a hearing on the
20 statement of completeness. The hearing shall be held as
21 expeditiously as possible, but not later than 30 days after
22 the filing of the statement by the department. The
23 administrative law judge shall render a decision within 10
24 days after the hearing.

25 (b) Parties to a hearing on the issue of completeness
26 shall include the applicant, the department, and any agency
27 that has jurisdiction over the matter in dispute. Any
28 substantially affected person who wishes to become a party to
29 the completeness hearing shall file a motion no later than 10
30 days prior to the date of the hearing.

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1 (c)(a) If the administrative law judge determines that
2 the application was not complete ~~as filed~~, the applicant shall
3 withdraw the application or make such additional submittals as
4 necessary to complete it. The time schedules referencing a
5 complete application under this act shall not commence until
6 the application is determined complete.

7 (d)(b) If the administrative law judge determines that
8 the application was complete at the time it was declared
9 incomplete filed, the time schedules referencing a complete
10 application under this act shall commence upon such
11 determination.

12 Section 9. Section 403.5253, Florida Statutes, is
13 repealed.

14 Section 10. Section 403.526, Florida Statutes, is
15 amended to read:

16 403.526 Preliminary statements of issues, reports,
17 project impact analyses, and studies.--

18 (1) Each affected agency which received an application
19 in accordance with s. 403.5251(4)(3) shall submit a
20 preliminary statement of issues to the department and all
21 parties the applicant no later than 15 60 days after the
22 certification application has been determined to be complete
23 distribution of the complete application. Such statements of
24 issues shall be made available to each local government for
25 use as information for public meetings pursuant to s.
26 403.5272. The failure to raise an issue in this preliminary
27 statement of issues shall not preclude the issue from being
28 raised in the agency's report.

29 (2)(a) The following affected agencies shall prepare
30 reports as provided below and shall submit them to the
31 department and the applicant no later than 60 ~~within 90~~ days

1 after the certification application has been determined to be
2 complete distribution of the complete application:

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

6 2. Each water management district in the jurisdiction
7 of which a proposed transmission line or corridor is to be
8 located shall prepare a report as to the impact on water
9 resources and other matters within its jurisdiction.

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

21 4. The Fish and Wildlife Conservation Commission shall
22 prepare a report as to the impact of each proposed
23 transmission line or corridor on fish and wildlife resources
24 and other matters within its jurisdiction.

25 5. Each local government shall prepare a report as to
26 the impact of each proposed transmission line or corridor on
27 matters within its jurisdiction, including the consistency of
28 the proposed transmission line or corridor with all applicable
29 local ordinances, regulations, standards, or criteria that
30 apply to the proposed transmission line or corridor, including
31 local comprehensive plans, zoning regulations, land

1 development regulations, and any applicable local
2 environmental regulations adopted pursuant to s. 403.182 or by
3 other means. No change by the responsible local government or
4 local agency in local comprehensive plans, zoning ordinances,
5 or other regulations made after the date required for the
6 filing of the local government's report required by this
7 section shall be applicable to the certification of the
8 proposed transmission line or corridor unless the
9 certification is denied or the application is withdrawn.

10 6. Each regional planning council shall present a
11 report containing recommendations that address the impact upon
12 the public of the proposed transmission line or corridor based
13 on the degree to which the transmission line or corridor is
14 consistent with the applicable provisions of the strategic
15 regional policy plan adopted pursuant to chapter 186 and other
16 impacts of each proposed transmission line or corridor on
17 matters within its jurisdiction.

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

22 8. Any other agency within the jurisdiction of which
23 the proposed transmission line and corridor would be located
24 may prepare a report addressing the impact of the proposed
25 transmission line or corridor on matters within that agency's
26 jurisdiction.

27 (b) Each report shall contain:

28 1. A notice of any nonprocedural requirements not
29 specifically listed in the application from which a variance,
30 exemption, exception, or other relief is necessary in order
31 for the board to certify any corridor proposed for

1 certification. Failure of such notification shall be treated
2 as a waiver from the nonprocedural requirements of that
3 agency.

4 2. A recommendation for approval or denial of the
5 application.

6 3. the information on variances required by s.
7 ~~403.531(2) and~~ Proposed conditions of certification on matters
8 within the jurisdiction of each agency. For each condition
9 proposed by an agency, the agency shall list the specific
10 statute, rule, or ordinance, as applicable, which authorizes
11 the proposed condition.

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

17 (d) Receipt of an affirmative determination of need by
18 the submittal deadline for agency reports under paragraph (a)
19 shall be a condition precedent to further processing of the
20 application.

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

28 (a) The studies and reports required by this section
29 and s. 403.537.

30 (b) Comments received from any other agency or person.
31

1 (c) The recommendation of the department as to the
2 disposition of the application, of variances, exemptions,
3 exceptions, or other relief identified by any party, and of
4 any proposed conditions of certification which the department
5 believes should be imposed.

6 (4) The failure of any agency to submit a preliminary
7 statement of issues or a report, or to submit its preliminary
8 statement of issues or report within the allowed time, shall
9 not be grounds for the alteration of any time limitation in
10 this act pursuant to s. 403.528. Neither the failure to submit
11 a preliminary statement of issues or a report nor the
12 inadequacy of the preliminary statement of issues or report
13 shall be grounds to deny or condition certification.

14 Section 11. Section 403.527, Florida Statutes, is
15 amended to read:

16 403.527 Certification hearing; ~~Notice, proceedings,~~
17 parties, participants.--

18 ~~(1)(a) No later than 15 days after an application has~~
19 ~~been determined complete, the applicant shall arrange for~~
20 ~~publication of a notice of the application and of the~~
21 ~~proceedings required by this act. Such notice shall give~~
22 ~~notice of the provisions of s. 403.531(1) and (2).~~

23 ~~(b) The applicant shall arrange for publication of a~~
24 ~~notice of the certification hearing and other public hearings~~
25 ~~provided for in this section and notice of the deadline for~~
26 ~~filing of notice of intent to be a party. Such notices shall~~
27 ~~be published at least 80 days before the date set for the~~
28 ~~hearing.~~

29 ~~(c) The applicant shall arrange for publication of a~~
30 ~~reminder notice in the newspapers specified in paragraph (d)~~
31 ~~no more than 10 days prior to the certification hearing,~~

1 ~~reminding the public of the date and location of the hearing.~~
2 ~~This notice shall not constitute a point of entry for~~
3 ~~intervention in the proceeding.~~

4 ~~(d) Notices to be published by the applicant shall be~~
5 ~~published in newspapers of general circulation within counties~~
6 ~~crossed by the transmission line corridors proper for~~
7 ~~certification. The required newspaper notices, other than the~~
8 ~~reminder notice, shall be one-half page in size in a standard~~
9 ~~size newspaper or a full page in a tabloid size newspaper and~~
10 ~~published in a section of the newspaper other than the legal~~
11 ~~notices section. These notices shall include a map generally~~
12 ~~depicting all transmission corridors proper for certification.~~
13 ~~A newspaper of general circulation shall be the newspaper~~
14 ~~within a county crossed by a transmission line corridor proper~~
15 ~~for certification which newspaper has the largest daily~~
16 ~~circulation in that county and has its principal office in~~
17 ~~that county. If the newspaper with the largest daily~~
18 ~~circulation has its principal office outside the county, then~~
19 ~~the notices shall appear in both the newspaper having the~~
20 ~~largest circulation in that county and in a newspaper~~
21 ~~authorized to publish legal notices in that county.~~

22 ~~(e) The department shall publish in the Florida~~
23 ~~Administrative Weekly notices of the application; of the~~
24 ~~certification hearing; of the hearing before the board; and of~~
25 ~~stipulations, proposed agency action, or petitions for~~
26 ~~modification.~~

27 ~~(f) The department shall adopt rules specifying the~~
28 ~~content of notices required by this section. All notices~~
29 ~~published by the applicant shall be paid for by the applicant~~
30 ~~and shall be in addition to the application fee.~~

31

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

7 (b) One public hearing where members of the public who
8 are not parties to the certification hearing may testify shall
9 be held within the boundaries of each county, at the option of
10 any local government.

11 1. The local government shall notify the
12 administrative law judge and all parties not later than 40 ~~50~~
13 days after the application has been determined receipt of a
14 ~~complete application~~ as to whether the local government wishes
15 to have such a public hearing. The local government shall be
16 responsible for determining the location of the public
17 hearing.

18 2. Within 5 days after ~~of~~ such notification, the
19 administrative law judge shall determine the date of such
20 public hearing, which shall be held before or during the
21 certification hearing. In the event two or more local
22 governments within one county request such a public hearing,
23 the hearing shall be consolidated so that only one such public
24 hearing is held in any county. The location of a consolidated
25 hearing shall be determined by the administrative law judge.

26 3. If a local government does not request a public
27 hearing within 40 ~~50~~ days after the application has been
28 determined receipt of a complete application, persons residing
29 within the jurisdiction of such local government may testify
30 at the public hearing portion of the certification hearing.

31

1 (c) The order of presentation at the certification
2 hearing, unless otherwise changed by the administrative law
3 judge to ensure the orderly presentation of witnesses and
4 evidence, shall be:

5 1. The applicant.

6 2. The department.

7 3. State agencies.

8 4. Regional agencies, including regional planning
9 councils and water management districts.

10 5. Local governments.

11 6. Other parties.

12 (d) When appropriate, any person may be given an
13 opportunity to present oral or written communications to the
14 administrative law judge. If the administrative law judge
15 proposes to consider such communications, all parties shall be
16 given an opportunity to cross-examine, challenge, or rebut
17 such communications.

18 (e) The applicant shall pay those expenses and costs
19 associated with the conduct of the hearings and the recording
20 and transcription of the proceedings.

21 (2) Notice of the certification hearing and other
22 public hearings provided for in this section and notice of the
23 deadline for filing of notice of intent to be a party shall be
24 made in accordance with the requirements of s. 403.5363. Such
25 notices shall be published at least 65 days before the date
26 set for the certification hearing.

27 ~~(3)(a) At the conclusion of the certification hearing,~~
28 ~~the administrative law judge shall, after consideration of all~~
29 ~~evidence of record, issue a recommended order disposing of the~~
30 ~~application no later than 60 days after the transcript of the~~
31

1 ~~certification hearing and the public hearings is filed with~~
2 ~~the Division of Administrative Hearings.~~

3 ~~(b) In the event the administrative law judge fails to~~
4 ~~issue a recommended order within 60 days after the filing of~~
5 ~~the hearing transcript, the administrative law judge shall~~
6 ~~submit a report to the board with a copy to all parties within~~
7 ~~60 days after the filing of the hearing transcript to advise~~
8 ~~the board of the reason for the delay in the issuance of the~~
9 ~~recommended order and of the date by which the recommended~~
10 ~~order will be issued.~~

11 ~~(3)(4)~~(a) Parties to the proceeding shall be:

- 12 1. The applicant.
- 13 2. The department.
- 14 3. The commission.
- 15 4. The Department of Community Affairs.
- 16 5. The Fish and Wildlife Conservation Commission.
- 17 6. The Department of Transportation.

18 ~~7.6.~~ Each water management district in the
19 jurisdiction of which the proposed transmission line or
20 corridor is to be located.

21 ~~8.7.~~ The local government.

22 ~~9.8.~~ The regional planning council.

23 (b) Any party listed in paragraph (a), other than the
24 department or the applicant, may waive its right to
25 participate in these proceedings. If any listed party fails to
26 file a notice of its intent to be a party on or before the
27 30th day prior to the certification hearing, such party shall
28 be deemed to have waived its right to be a party unless its
29 participation would not prejudice the rights of any party to
30 the proceeding.

31

1 (c) Notwithstanding the provisions of chapter 120 to
2 the contrary, upon the filing with the administrative law
3 judge of a notice of intent to be a party by an agency or
4 corporation or association described in subparagraphs 1. and
5 2. or a petition for intervention by a person described in
6 subparagraph 3. no later than 30 days prior to the date set
7 for the certification hearing, the following shall also be
8 parties to the proceeding:

9 1. Any agency not listed in paragraph (a) as to
10 matters within its jurisdiction.

11 2. Any domestic nonprofit corporation or association
12 formed, in whole or in part, to promote conservation of
13 natural beauty; to protect the environment, personal health,
14 or other biological values; to preserve historical sites; to
15 promote consumer interests; to represent labor, commercial, or
16 industrial groups; or to promote comprehensive planning or
17 orderly development of the area in which the proposed
18 transmission line or corridor is to be located.

19 3. Any person whose substantial interests are affected
20 and being determined by the proceeding.

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

24 (4)(a) At the conclusion of the certification hearing,
25 the administrative law judge shall, after consideration of all
26 evidence of record, issue a recommended order disposing of the
27 application no later than 45 days after the transcript of the
28 certification hearing and the public hearings is filed with
29 the Division of Administrative Hearings.

30 (b) In the event the administrative law judge fails to
31 issue a recommended order within 45 days after the filing of

1 the hearing transcript, the administrative law judge shall
2 submit a report to the siting board with a copy to all parties
3 within 60 days after the filing of the hearing transcript to
4 advise the siting board of the reason for the delay in the
5 issuance of the recommended order and of the date by which the
6 recommended order will be issued.

7 (5)(a) No later than 25 days prior to the conduct of
8 the certification hearing, the department or the applicant may
9 request that the administrative law judge cancel the
10 certification hearing and relinquish jurisdiction to the
11 department if all parties to the proceeding stipulate that
12 there are no disputed issues of fact to be raised at the
13 certification hearing.

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

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

21 (d) If the administrative law judge grants the
22 request, within 30 days after the administrative law judge's
23 order relinquishing jurisdiction, the department shall prepare
24 a recommended order, including proposed conditions of
25 certification, for final action by the siting board. Parties
26 may submit proposed recommended orders to the department no
27 later than 10 days after the administrative law judge issues
28 his or her order relinquishing jurisdiction.

29 ~~(5) When appropriate, any person may be given an~~
30 ~~opportunity to present oral or written communications to the~~
31 ~~administrative law judge. If the administrative law judge~~

1 ~~proposes to consider such communications, all parties shall be~~
2 ~~given an opportunity to cross-examine or challenge or rebut~~
3 ~~such communications.~~

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

9 ~~(7) The order of presentation at the certification~~
10 ~~hearing, unless otherwise changed by the administrative law~~
11 ~~judge to ensure the orderly presentation of witnesses and~~
12 ~~evidence, shall be:~~

13 ~~(a) The applicant.~~

14 ~~(b) The department.~~

15 ~~(c) State agencies.~~

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

18 ~~(e) Local governments.~~

19 ~~(f) Other parties.~~

20 ~~(8) The applicant shall pay those expenses and costs~~
21 ~~associated with the conduct of the hearings and the recording~~
22 ~~and transcription of the proceedings.~~

23 Section 12. Subsections (1) and (3) of section
24 403.5271, Florida Statutes, are amended to read:

25 403.5271 Alternate corridors.--

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

30 (a) A notice of any such proposed alternate corridor
31 shall be filed with the administrative law judge, all parties,

1 and any local governments in whose jurisdiction the alternate
2 corridor is proposed. Such filing shall include the most
3 recent United States Geological Survey 1:24,000 quadrangle
4 maps specifically delineating the corridor boundaries, a
5 description of the proposed corridor, and a statement of the
6 reasons the proposed alternate corridor should be certified.

7 (b)1. Within 7 days after receipt of such notice, the
8 applicant and the department shall file with the
9 administrative law judge and all parties a notice of
10 acceptance or rejection of a proposed alternate corridor for
11 consideration. If the alternate corridor is rejected either by
12 the applicant or the department, the certification hearing and
13 the public hearings shall be held as scheduled. If both the
14 applicant and the department accept a proposed alternate
15 corridor for consideration, the certification hearing and the
16 public hearings shall be rescheduled, if necessary.

17 2. If rescheduled, the certification hearing shall be
18 held no more than 100 ~~90~~ days after the previously scheduled
19 certification hearing, unless additional time is needed due to
20 the alternate corridor crossing a local government
21 jurisdiction not previously affected, in which case the
22 remainder of the schedule listed below shall be appropriately
23 adjusted by the administrative law judge to allow that local
24 government to prepare a report pursuant to s. 403.526(2)(a)5.

25 (c) Notice of the filing of the alternate, of the
26 revised time schedules, of the deadline for newly affected
27 persons and agencies to file notice of intent to become a
28 party, of the rescheduled hearing date, and of the proceedings
29 pursuant to s. 403.527(1)(b) and (c) shall be published in
30 accordance with the requirements of s. 403.5363 at least 65
31 days prior to the rescheduled hearing.

1 (d) Within ~~21~~ 25 days after acceptance of an alternate
2 corridor by the department and the applicant, the party
3 proposing an alternate corridor shall have the burden of
4 providing all ~~additional~~ data to the agencies listed in s.
5 403.526(2), and newly affected agencies, necessary for the
6 preparation of a supplementary report on the proposed
7 alternate corridor.

8 (e)1. Reviewing agencies shall advise the department
9 of their completeness issues no later than 12 days after the
10 submittal of the data required by paragraph (d).~~If the~~
11 ~~department determines~~ Within 15 days after receipt of such
12 data, the department shall issue a determination of
13 completeness.

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

20 3. If such additional information data is determined
21 by the department within 15 days after receipt to be
22 incomplete insufficient, such incompleteness insufficiency of
23 data shall be deemed a withdrawal of the proposed alternate
24 corridor. ~~The party proposing an alternate corridor shall have~~
25 ~~the burden of proof on the certifiability of the alternate~~
26 ~~corridor at the certification hearing pursuant to s.~~
27 ~~403.529(4). Nothing in this act shall be construed as~~
28 ~~requiring the applicant or agencies not proposing the~~
29 ~~alternate corridor to submit data in support of such alternate~~
30 ~~corridor.~~

31

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

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

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

16 (3)(a) Notwithstanding the rejection of a proposed
17 alternate corridor by the applicant or the department, any
18 party may present evidence at the certification hearing to
19 show that a corridor proper for certification does not satisfy
20 the criteria listed in s. 403.529 or that a rejected alternate
21 corridor would meet the criteria set forth in s. 403.529. No
22 evidence shall be admitted at the certification hearing on any
23 alternate corridor, unless the alternate corridor was proposed
24 by the filing of a notice at least 50 days prior to the
25 originally scheduled certification hearing pursuant to this
26 section. Rejected alternate corridors shall be considered by
27 the board as provided in s. 403.529(4) and (5).

28 (b) The party proposing an alternate corridor shall
29 have the burden of proof on the certifiability of the
30 alternate corridor at the certification hearing pursuant to s.
31 403.529(4). Nothing in this act shall be construed as

1 requiring the applicant or agencies not proposing the
2 alternate corridor to submit data in support of such alternate
3 corridor.

4 Section 13. Section 403.5272, Florida Statutes, is
5 amended to read:

6 403.5272 ~~Local governments~~; Informational public
7 meetings.--

8 (1) Local governments or regional planning councils
9 may hold informational public meetings in addition to the
10 hearings specifically authorized by this act on any matter
11 associated with the transmission line proceeding. Such
12 informational public meetings should be held no later than 30
13 ~~80~~ days after the application has been determined complete is
14 ~~filed~~. The purpose of an informational public meeting is for
15 the local government or regional planning council to further
16 inform the general public about the transmission line
17 proposed, obtain comments from the public, and formulate its
18 recommendation with respect to the proposed transmission line.

19 (2) Informational public meetings shall be held solely
20 at the option of each local government or regional planning
21 council. It is the legislative intent that local governments
22 or regional planning councils attempt to hold such public
23 meetings. Parties to the proceedings under this act shall be
24 encouraged to attend; however, no party other than the
25 applicant and the department shall be required to attend such
26 informational public hearings.

27 (3) The failure to hold an informational public
28 meeting or the procedure used for the informational public
29 meeting shall not be grounds for the alteration of any time
30 limitation in this act pursuant to s. 403.528 or grounds to
31 deny or condition certification.

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

3 403.5275 Amendment to the application.--

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

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

10 403.529 Final disposition of application.--

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

17 (2) The issues that may be raised in any hearing
18 before the board shall be limited to matters raised in the
19 certification proceeding before the administrative law judge
20 or raised in the administrative law judge's or department's
21 recommended order. All parties, or their representatives, or
22 persons who appear before the board shall be subject to the
23 provisions of s. 120.66.

24 (4) In determining whether an application should be
25 approved in whole, approved with modifications or conditions,
26 or denied, the board shall consider whether, and the extent to
27 which, the location of the transmission line corridor and the
28 construction and maintenance of the transmission line will:

29 (e) Effect a reasonable balance between the need for
30 the transmission line as a means of providing reliable,
31 economically efficient electric ~~abundant low-cost electrical~~

1 energy and the impact upon the public and the environment
2 resulting from the location of the transmission line corridor
3 and maintenance of the transmission lines.

4 Section 16. Subsections (2) and (3) of section
5 403.531, Florida Statutes, are amended to read:

6 403.531 Effect of certification.--

7 (2)(a) The certification shall authorize the licensee
8 ~~applicant~~ to locate the transmission line corridor and to
9 construct and maintain the transmission lines subject only to
10 the conditions of certification set forth in such
11 certification.

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

29 (3)(a) The certification shall be in lieu of any
30 license, permit, certificate, or similar document required by
31 any agency pursuant to, but not limited to, chapter 125,

1 chapter 161, chapter 163, chapter 166, chapter 186, chapter
2 253, chapter 258, chapter 298, chapter 370, chapter 373,
3 chapter 376, chapter 380, chapter 381, chapter 387, chapter
4 403, chapter 404, or the Florida Transportation Code, ~~or 33~~
5 ~~U.S.C. s. 1341.~~

6 (b) On certification, any license, easement, or other
7 interest in state lands, except those the title of which is
8 vested in the Board of Trustees of the Internal Improvement
9 Trust Fund, shall be issued by the appropriate agency as a
10 ministerial act. The applicant shall be required to seek any
11 necessary interest in state lands the title to which is vested
12 in the Board of Trustees of the Internal Improvement Trust
13 Fund from the board of trustees before, during, or after the
14 certification proceeding, and certification may be made
15 contingent upon issuance of the appropriate interest in
16 realty. However, neither the applicant nor any party to the
17 certification proceeding may directly or indirectly raise or
18 relitigate any matter which was or could have been an issue in
19 the certification proceeding in any proceeding before the
20 Board of Trustees of the Internal Improvement Trust Fund
21 wherein the applicant is seeking a necessary interest in state
22 lands, but the information presented in the certification
23 proceeding shall be available for review by the board of
24 trustees and its staff.

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

27 403.5312 Filing ~~Recording~~ of notice of certified
28 corridor route.--

29 (1) Within 60 days after certification of a directly
30 associated transmission line pursuant to ss. 403.501-403.518
31 or a transmission line corridor pursuant to ss.

1 403.52-403.5365, the applicant shall file, in accordance with
2 s. 28.222, with the department and the clerk of the circuit
3 court for each county through which the corridor will pass, a
4 notice of the certified route.

5 (2) The notice shall consist of maps or aerial
6 photographs in the scale of 1:24,000 which clearly show the
7 location of the certified route and shall state that the
8 certification of the corridor will result in the acquisition
9 of rights-of-way within the corridor. Each clerk shall record
10 the filing in the official record of the county for the
11 duration of the certification or until such time as the
12 applicant certifies to the department and the clerk that all
13 lands required for the transmission line rights-of-way within
14 the corridor have been acquired within such county, whichever
15 is sooner.

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

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

20 403.5317 Postcertification amendments.--

21 (1) If, subsequent to certification by the board, a
22 licensee proposes any material change to the application, and
23 revisions or amendments thereto, as certified, the licensee
24 shall submit to the department a written request for amendment
25 and description of the proposed change to the application. The
26 department shall, within 30 days after the receipt of the
27 request for the amendment, determine whether the proposed
28 change to the application requires a modification of the
29 conditions of certification.

30 (2) If the department concludes that the change would
31 not require a modification of the conditions of certification,

1 the department shall notify, in writing, the licensee, all
2 agencies, and all parties of the approval of the proposed
3 amendment.

4 (3) If the department concludes that the change would
5 require a modification of the conditions of certification, the
6 department shall notify the licensee that the proposed change
7 to the application requires a request for modification
8 pursuant to s. 403.5315.

9 Section 19. Section 403.5363, Florida Statutes, is
10 created to read:

11 403.5363 Public notices, requirements.--

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

16 1. Notice of the submittal of the application, which
17 shall include a description of the proceedings required by
18 this act. Such notice shall give notice of the provisions of
19 s. 403.531(1) and (2) and the notice of the deadline for
20 filing of notice of intent to be a party.

21 2. Notice of the certification hearing.

22 3. Notice of the cancellation of the certification
23 hearing, if applicable.

24 4. Notice of filing of a modification proposal
25 submitted pursuant to s. 403.5315, if the department
26 determines that the modification would require relocation or
27 expansion of the transmission line right-of-way or a certified
28 substation.

29 (b) The proponent of an alternate corridor shall
30 arrange for the publication of the filing of the alternate, of
31 the revised time schedules, of the deadline for newly affected

1 persons and agencies to file notice of intent to become a
2 party, and of the rescheduled hearing dates. Such notices
3 shall be published in newspapers of general circulation within
4 counties crossed by the proposed alternate corridor.

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

7 1. Notice of the submittal of the application and the
8 deadline to become a party.

9 2. Notice of any administrative hearings on
10 certification.

11 3. Notice of the cancellation of the certification
12 hearings, if applicable.

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

14 5. Notice of stipulations, proposed agency action, or
15 petitions for modification.

16 (2) The department shall adopt rules specifying the
17 content of notices required by this section. All notices
18 published by the applicant shall be paid for by the applicant
19 and shall be in addition to the application fee.

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

22 403.5365 Fees; disposition.--The department shall
23 charge the applicant the following fees, as appropriate,
24 which, unless otherwise specified, shall be paid into the
25 Florida Permit Fee Trust Fund:

26 (1) An application fee of \$150,000~~\$100,000~~, plus \$750
27 per mile for each mile of corridor in which the transmission
28 line right-of-way is proposed to be located within an existing
29 electric ~~electrical~~ transmission line right-of-way or within
30 any existing right-of-way for any road, highway, railroad, or
31 other aboveground linear facility, or \$1,000 per mile for each

1 mile of electric transmission line corridor proposed to be
2 located outside such existing right-of-way.

3 (a) Fifty ~~Sixty~~ percent of the fee shall go to the
4 department to cover any costs associated with coordinating the
5 review of ~~reviewing and acting upon~~ the application and any
6 costs for ~~field~~ services associated with monitoring
7 construction and operation of the electric transmission line
8 facility.

9 (b) The following sums ~~Twenty percent of the fees~~
10 ~~specified under this section, except postcertification fees,~~
11 shall be transferred to the Administrative Trust Fund of the
12 Division of Administrative Hearings of the Department of
13 Management Services:

14 1. Five percent to compensate for expenses from the
15 initial exercise of duties associated with the filing of an
16 application.

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

19 (c) Upon written request with proper itemized
20 accounting within 90 days after final agency action by the
21 board or withdrawal of the application, the agencies that
22 prepared reports pursuant to s. 403.526 or s. 403.5271 or
23 participated in a hearing pursuant to s. 403.527 or s.
24 403.5271 may submit a written request to the department for
25 reimbursement of expenses incurred during the certification
26 proceedings. The request shall contain an accounting of
27 expenses incurred, which may include time spent reviewing the
28 application, ~~department shall reimburse the expenses and costs~~
29 ~~of the Department of Community Affairs, the Fish and Wildlife~~
30 ~~Conservation Commission, the water management district,~~
31 ~~regional planning council, and local government in the~~

1 ~~jurisdiction of which the transmission line is to be located.~~
2 ~~Such reimbursement shall be authorized for the preparation of~~
3 ~~any studies required of the agencies by this act, and for~~
4 ~~agency travel and per diem to attend any hearing held pursuant~~
5 ~~to this act, and for the local government's or regional~~
6 ~~planning council's provision of additional notice of the~~
7 ~~informational public meetings government to participate in the~~
8 ~~proceedings. The department shall review the request and~~
9 ~~verify that the expenses are valid. Valid expenses shall be~~
10 ~~reimbursed; however, in the event the amount of funds~~
11 ~~available for reimbursement allocation is insufficient to~~
12 ~~provide for full compensation ~~complete reimbursement~~ to the~~
13 ~~agencies requesting reimbursement, reimbursement shall be on a~~
14 ~~prorated basis.~~

15 (d) If any sums are remaining, the department shall
16 retain them for its use in the same manner as is otherwise
17 authorized by this section; ~~provided, however, that~~ if the
18 certification application is withdrawn prior to the initial
19 determination on completeness, one-half of the application fee
20 ~~the remaining sums~~ shall be refunded to the applicant within
21 90 days after withdrawal.

22 (2) An amendment fee.

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

25 (b) If a corridor alignment change pursuant to s.
26 403.5275(2) is proposed by the applicant, an additional fee of
27 a minimum of \$2,000 and \$750 per mile shall be submitted to
28 the department for use in accordance with this act.

29 (c) If an amendment is required to address issues,
30 including alternate corridors pursuant to s. 403.5271, raised
31

1 by the department or other parties, no fee for such amendment
2 shall be charged.

3 (3) A certification modification fee.

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

6 (b) If a corridor alignment change is proposed by the
7 licensee ~~applicant~~, the fee shall be \$1,000 for each mile of
8 realignment plus an amount not to exceed \$10,000 to be fixed
9 by rule on a sliding scale based on the load-carrying
10 capability and configuration of the transmission line for use
11 in accordance with subsection (2).

12 Section 21. Section 403.5369, Florida Statutes, is
13 repealed.

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

16 403.537 Determination of need for transmission line;
17 powers and duties.--

18 (1)(a) Upon request by an applicant or upon its own
19 motion, the Florida Public Service Commission shall schedule a
20 public hearing, after notice, to determine the need for a
21 transmission line regulated by the Florida Electric
22 Transmission Line Siting Act, ss. 403.52-403.5365. Such notice
23 shall be published at least 21 ~~45~~ days before the date set for
24 the hearing and shall be published in at least one-quarter
25 page size notice in newspapers of general circulation, in the
26 Florida Administrative Weekly, by giving notice to counties
27 and regional planning councils in whose jurisdiction the
28 transmission line could be placed, and by giving notice to any
29 persons who have requested to be placed on the mailing list of
30 the commission for this purpose. Within 21 days after receipt
31 of a request for determination by an applicant, the commission

1 shall set a date for the hearing. The hearing shall be held
2 pursuant to s. 350.01 within 45 days after the filing of the
3 request, and a decision shall be rendered within 60 days after
4 such filing.

5 (c) The determination by the commission of the need
6 for the transmission line, as defined in s. 403.522(21), is
7 binding on all parties to any certification proceeding
8 pursuant to the Florida Electric Transmission Line Siting Act
9 and is a condition precedent to the conduct of the
10 certification hearing prescribed therein. An order entered
11 pursuant to this section constitutes final agency action.

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

14 373.441 Role of counties, municipalities, and local
15 pollution control programs in permit processing.--

16 (3) The department shall review environmental resource
17 permit applications for electrical distribution and
18 transmission lines and other facilities related to the
19 production, transmission, and distribution of electricity
20 which are not certified under ss. 403.52-403.5365, the Florida
21 Electric Transmission Line Siting Act, regulated under this
22 part.

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

25 403.061 Department; powers and duties.--The department
26 shall have the power and the duty to control and prohibit
27 pollution of air and water in accordance with the law and
28 rules adopted and promulgated by it and, for this purpose, to:

29 (30) Establish requirements by rule that reasonably
30 protect the public health and welfare from electric and
31 magnetic fields associated with existing 230 kV or greater

1 electrical transmission lines, new 230 kV and greater
2 electrical transmission lines for which an application for
3 certification under the Florida Electric Transmission Line
4 Siting Act, ss. 403.52-403.5365, is not filed, new or existing
5 electrical transmission or distribution lines with voltage
6 less than 230 kV, and substation facilities. Notwithstanding
7 any other provision in this chapter or any other law of this
8 state or political subdivision thereof, the department shall
9 have exclusive jurisdiction in the regulation of electric and
10 magnetic fields associated with all electrical transmission
11 and distribution lines and substation facilities. However,
12 nothing herein shall be construed as superseding or repealing
13 the provisions of s. 403.523(1) and (10).

14

15 The department shall implement such programs in conjunction
16 with its other powers and duties and shall place special
17 emphasis on reducing and eliminating contamination that
18 presents a threat to humans, animals or plants, or to the
19 environment.

20 Section 25. Paragraph (a) of subsection (3) of section
21 403.0876, Florida Statutes, is amended to read:

22 403.0876 Permits; processing.--

23 (3)(a) The department shall establish a special unit
24 for permit coordination and processing to provide expeditious
25 processing of department permits which the district offices
26 are unable to process expeditiously and to provide accelerated
27 processing of certain permits or renewals for economic and
28 operating stability. The ability of the department to process
29 applications pursuant to this subsection in a more timely
30 manner than allowed by subsections (1) and (2) is dependent
31 upon the timely exchange of information between the applicant

1 and the department and the intervention of outside parties as
2 allowed by law. An applicant may request the processing of its
3 permit application by the special unit if the application is
4 from an area of high unemployment or low per capita income, is
5 from a business or industry that is the primary employer
6 within an area's labor market, or is in an industry with
7 respect to which the complexities involved in the review of
8 the application require special skills uniquely available in
9 the headquarters office. The department may require the
10 applicant to waive the 90-day time limitation for department
11 issuance or denial of the permit once for a period not to
12 exceed 90 days. The department may require a special fee to
13 cover the direct cost of processing special applications in
14 addition to normal permit fees and costs. The special fee may
15 not exceed \$10,000 per permit required. Applications for
16 renewal permits, but not applications for initial permits,
17 required for facilities pursuant to the Electrical Power Plant
18 Siting Act or the Florida Electric Transmission Line Siting
19 Act may be processed under this subsection. Personnel staffing
20 the special unit shall have lengthy experience in permit
21 processing.

22 Section 26. Paragraph (b) of subsection (3) of section
23 403.809, Florida Statutes, is amended to read:

24 403.809 Environmental districts; establishment;
25 managers; functions.--

26 (3)

27 (b) The processing of all applications for permits,
28 licenses, certificates, and exemptions shall be accomplished
29 at the district center or the branch office, except for those
30 applications specifically assigned elsewhere in the department
31 under s. 403.805 or to the water management districts under s.

1 403.812 and those applications assigned by interagency
2 agreement as provided in this act. However, the secretary, as
3 head of the department, may not delegate to district or
4 subdistrict managers, water management districts, or any unit
5 of local government the authority to act on the following
6 types of permit applications:

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

9 2. Construction of major air pollution sources.

10 3. Certifications under the Florida Electrical Power
11 Plant Siting Act or the Florida Electric Transmission Line
12 Siting Act and the associated permit issued under s. 403.0885,
13 if applicable.

14 4. Permits issued under s. 403.0885 to steam electric
15 generating facilities regulated pursuant to 40 C.F.R. part
16 423.

17 5. Permits issued under s. 378.901.

18 Section 27. This act shall take effect upon becoming a
19 law.

20

21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 SB 1982

24

25 The CS for SB 1982 revises the criteria for the exemption from
26 the act based on established rights-of-way and adds a
27 provision on subsequent relocation of a transmission line due
28 to a public project.

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