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1 A bill to be entitled

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

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30 during the certification process; providing for the formal
31 date of application distribution; requiring the applicant
32 to file notice of distribution and notice of filing of the
33 application; amending s. 403.5252, F.S.; revising
34 timeframes and procedures for determination of
35 completeness of the application; requiring the department
36 to consult with affected agencies; revising requirements
37 for the department to file a statement of its
38 determination of completeness with the Division of
39 Administrative Hearings, the applicant, and all parties
40 within a certain time after distribution of the
41 application; revising requirements for the applicant to
42 file a statement with the department, the division, and
43 all parties, if the department determines the application
44 is not complete; providing for that statement to notify
45 the department that the information will not be provided;
46 revising timeframes and procedures for contests of the
47 determination by the department; providing for parties to
48 a hearing on the issue of completeness; repealing s.
49 403.5253, F.S., relating to determination of sufficiency
50 of application or amendment to the application; amending
51 s. 403.526, F.S.; revising criteria and procedures for
52 preliminary statements of issues, reports, and studies;
53 revising timeframes; requiring the preliminary statement
54 of issues from each affected agency be submitted to all
55 parties; revising criteria for the Department of Community
56 Affairs' report; requiring the Department of
57 Transportation to prepare an impact report; providing for
58 project impact reports from other agencies; revising

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59 required content of the reports; providing for notice of
60 any agency nonprocedural requirements not listed in the
61 application; providing for failure to provide such
62 notification; providing for a recommendation for approval
63 or denial of the application; providing for receipt of an
64 affirmative determination of need to be a condition
65 precedent to further processing of the application;
66 requiring the department to prepare a project impact
67 analysis to be filed with the administrative law judge and
68 served on all parties within a certain timeframe; amending
69 s. 403.527, F.S.; revising procedures and timeframes for
70 the certification hearing conducted by the administrative
71 law judge; revising provisions for notices and publication
72 of notices, public hearings held by local governments,
73 testimony at the public hearing portion of the
74 certification hearing, the order of presentations at the
75 hearing, consideration of certain communications by the
76 administrative law judge, requiring the applicant to pay
77 certain expenses and costs, and requiring the
78 administrative law judge to issue a recommended order
79 disposing of the application; requiring certain notices be
80 made in accordance with specified requirements and within
81 a certain timeframe; specifying the Department of
82 Transportation as a party to the proceedings; providing
83 for the administrative law judge to cancel the
84 certification hearing and relinquish jurisdiction to the
85 department upon request by the applicant or the
86 department; requiring the department and the applicant to
87 publish notice of such cancellation; providing for parties

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88 to submit proposed recommended orders to the department
89 when the certification hearing has been canceled;
90 providing for the department to prepare a recommended
91 order for final action by the siting board when the
92 hearing has been canceled; amending s. 403.5271, F.S.;
93 revising procedures and timeframes for consideration of
94 proposed alternate corridors; revising notice
95 requirements; providing for notice of the filing of the
96 alternate corridor and revised time schedules; providing
97 for notice to agencies newly affected by the proposed
98 alternate corridor; requiring the person proposing the
99 alternate corridor to provide all data to the agencies
100 within a certain timeframe; providing for determination by
101 the department that the data is not complete; providing
102 for withdrawal of the proposed alternate corridor upon
103 such determination; providing for agencies to file reports
104 with the applicant and department that address the
105 proposed alternate corridor; providing for the department
106 to file with the administrative law judge, the applicant,
107 and all parties a project impact analysis of the proposed
108 alternate corridor; providing that the party proposing an
109 alternate corridor shall have the burden of proof on the
110 certifiability of the alternate corridor; amending s.
111 403.5272, F.S.; revising procedures for informational
112 public meetings; providing for informational public
113 meetings held by regional planning councils; revising
114 timeframes; amending s. 403.5275, F.S.; revising
115 provisions for amendment to the application prior to
116 certification; amending s. 403.529, F.S.; revising

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117 provisions for final disposition of the application by the
 118 siting board; providing for the administrative law judge's
 119 or department's recommended order; amending s. 403.531,
 120 F.S.; revising provisions for conditions of certification;
 121 amending s. 403.5312, F.S.; requiring the applicant to
 122 file notice of a certified corridor route with the
 123 department; creating s. 403.5317, F.S.; providing
 124 procedures for changes proposed by the licensee after
 125 certification; requiring the department to determine
 126 within a certain time if the proposed change requires
 127 modification of the conditions of certification; requiring
 128 notice to the licensee, all agencies, and all parties of
 129 changes that are approved as not requiring modification of
 130 the conditions of certification; creating s. 403.5363,
 131 F.S.; requiring publication of certain notices by the
 132 applicant, the proponent of an alternate corridor, and the
 133 department; requiring the department to adopt rules
 134 specifying the content of such notices; amending s.
 135 403.5365, F.S.; revising application fees and the
 136 distribution of fees collected; revising procedures for
 137 reimbursement of local governments and regional planning
 138 organizations; repealing s. 403.5369, F.S., relating to
 139 application of the act to applications prior to a certain
 140 date; amending s. 403.537, F.S.; revising the schedule for
 141 notice of a public hearing by the Public Service
 142 Commission to determine the need for a transmission line;
 143 amending ss. 373.441, 403.061, 403.0876, and 403.809,
 144 F.S.; conforming terminology; providing an effective date.
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146 Be It Enacted by the Legislature of the State of Florida:

147

148 Section 1. Section 403.52, Florida Statutes, is amended to
 149 read:

150 403.52 Popular name ~~Short title~~.--Sections 403.52-403.5365
 151 may be known by the popular name ~~cited as~~ the "Florida Electric
 152 Transmission Line Siting Act."

153 Section 2. Section 403.521, Florida Statutes, is amended
 154 to read:

155 403.521 Legislative intent.--The legislative intent of
 156 this act is to establish a centralized and coordinated licensing
 157 ~~permitting~~ process for the location of electric transmission
 158 line corridors and the construction and maintenance of electric
 159 transmission lines, which necessarily involves several broad
 160 interests of the public addressed through the subject matter
 161 jurisdiction of several agencies. The Legislature recognizes
 162 that electric transmission lines will have an effect upon
 163 electric power system reliability, the environment, land use,
 164 and the welfare of the population. Recognizing the need to
 165 ensure electric power system reliability and integrity, and in
 166 order to meet electric ~~electrical~~ energy needs in an orderly and
 167 timely fashion, the centralized and coordinated licensing
 168 ~~permitting~~ process established by this act is intended to
 169 further the legislative goal of ensuring through available and
 170 reasonable methods that the location of transmission line
 171 corridors and the construction and maintenance of transmission
 172 lines produce minimal adverse effects on the environment and
 173 public health, safety, and welfare while not unduly conflicting
 174 with the goals established by the applicable local comprehensive

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175 plan. It is the intent of this act to fully balance the need for
 176 transmission lines with the broad interests of the public in
 177 order to effect a reasonable balance between the need for the
 178 facility as a means of providing reliable, economically
 179 efficient electric ~~abundant low-cost electrical~~ energy and the
 180 impact on the public and the environment resulting from the
 181 location of the transmission line corridor and the construction
 182 and maintenance of the transmission lines. The Legislature
 183 intends that the provisions of chapter 120 apply to this act and
 184 to proceedings pursuant to it except as otherwise expressly
 185 exempted by other provisions of this act.

186 Section 3. Section 403.522, Florida Statutes, is amended
 187 to read:

188 403.522 Definitions relating to the Florida Electric
 189 Transmission Line Siting Act.--As used in this act:

190 (1) "Act" means the Florida Electric Transmission Line
 191 Siting Act.

192 (2) "Agency," as the context requires, means an official,
 193 officer, commission, authority, council, committee, department,
 194 division, bureau, board, section, or other unit or entity of
 195 government, including a county, municipality, or other regional
 196 or local governmental entity.

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

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

202 (5) "Application" means the documents required by the
 203 department to be filed to initiate and support a certification

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204 review and evaluation, including the initial document filing,
 205 amendments, and responses to requests from the department for
 206 additional data and information ~~proceeding. An electric utility~~
 207 ~~may file a comprehensive application encompassing all or a part~~
 208 ~~of one or more proposed transmission lines.~~

209 (6) "Board" means the Governor and Cabinet sitting as the
 210 siting board.

211 (7) "Certification" means the approval by the board of a
 212 corridor proper for certification pursuant to subsection (10)
 213 and the construction and maintenance of transmission lines
 214 within such corridor with such changes or conditions as the
 215 board deems appropriate. Certification shall be evidenced by a
 216 written order of the board.

217 (8) "Commission" means the Florida Public Service
 218 Commission.

219 (9) "Completeness" means that the application has
 220 addressed all applicable sections of the prescribed application
 221 format and, ~~but does not mean~~ that those sections are sufficient
 222 in comprehensiveness of data or in quality of information
 223 provided to allow the department to determine whether the
 224 application provides the reviewing agencies adequate information
 225 to prepare the reports required by s. 403.526.

226 (10) "Corridor" means the proposed area within which a
 227 transmission line right-of-way, including maintenance and access
 228 roads, is to be located. The width of the corridor proposed for
 229 certification by an applicant or other party, at the option of
 230 the applicant, may be the width of the transmission line right-
 231 of-way, or a wider boundary, not to exceed a width of one-half ±
 232 mile. The area within the corridor in which a right-of-way may

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233 be located may be further restricted by a condition of
 234 certification. After all property interests required for the
 235 transmission line right-of-way have been acquired by the
 236 applicant, the boundaries of the area certified shall narrow to
 237 only that land within the boundaries of the transmission line
 238 right-of-way, maintenance roads, and access roads. The corridors
 239 proper for certification shall be those addressed in the
 240 application, in amendments to the application filed pursuant to
 241 s. 403.5275, and in notices of acceptance of proposed alternate
 242 corridors filed by an applicant and the department pursuant to
 243 s. 403.5271 for which the required ~~sufficient~~ information for
 244 the preparation of agency supplemental reports was filed.

245 (11) "Department" means the Department of Environmental
 246 Protection.

247 (12) "Electric utility" means cities and towns, counties,
 248 public utility districts, regulated electric companies, electric
 249 cooperatives, regional transmission organizations, independent
 250 transmission system operators, or similar entities created and
 251 approved pursuant to the Federal Energy Regulatory Commission's
 252 Order 2000, and joint operating agencies, or combinations
 253 thereof, engaged in, or authorized to engage in, the business of
 254 generating, transmitting, or distributing electric energy.

255 (13) "License" means a franchise, permit, certification,
 256 registration, charter, comprehensive plan amendment, development
 257 order, or permit as defined in chapters 163 and 380, or similar
 258 form of authorization required by law, but it does not include a
 259 license required primarily for revenue purposes when issuance of
 260 the license is merely a ministerial act.

261 (14) "Licensee" means an applicant that has obtained a

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262 certification order for the subject project.

263 (15)~~(14)~~ "Local government" means a municipality or county
 264 in the jurisdiction of which the project is proposed to be
 265 located.

266 (16)~~(15)~~ "Modification" means any change in the
 267 certification order after issuance, including a change in the
 268 conditions of certification.

269 (17)~~(16)~~ "Nonprocedural requirements of agencies" means
 270 any agency's regulatory requirements established by statute,
 271 rule, ordinance, or comprehensive plan, excluding any provisions
 272 prescribing forms, fees, procedures, or time limits for the
 273 review or processing of information submitted to demonstrate
 274 compliance with such regulatory requirements.

275 (18)~~(17)~~ "Person" means an individual, partnership, joint
 276 venture, private or public corporation, association, firm,
 277 public service company, political subdivision, municipal
 278 corporation, government agency, public utility district, or any
 279 other entity, public or private, however organized.

280 (19)~~(18)~~ "Preliminary statement of issues" means a listing
 281 and explanation of those issues within the agency's jurisdiction
 282 which are of major concern to the agency in relation to the
 283 proposed electric ~~electrical~~ transmission line corridor.

284 (20)~~(19)~~ "Regional planning council" means a regional
 285 planning council as defined in s. 186.503(4) in the jurisdiction
 286 of which the project is proposed to be located.

287 ~~(20) "Sufficiency" means that the application is not only~~
 288 ~~complete but that all sections are adequate in the~~
 289 ~~comprehensiveness of data and in the quality of information~~
 290 ~~provided to allow the department to determine whether the~~

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291 ~~application provides the reviewing agencies adequate information~~
 292 ~~to prepare the reports authorized by s. 403.526.~~

293 (21) "Transmission line" means all structures, all
 294 maintenance and access roads, and all other facilities that need
 295 to be constructed, operated, or maintained for the purpose of
 296 conveying electric power ~~any electrical transmission line~~
 297 extending from, but not including, an existing or proposed
 298 substation or power plant to, but not including, an existing or
 299 proposed transmission network or rights-of-way or substation to
 300 which the applicant intends to connect which defines the end of
 301 the proposed project and which is designed to operate at 230
 302 kilovolts or more. ~~The starting point and ending point of a~~
 303 ~~transmission line must be specifically defined by the applicant~~
 304 ~~and must be verified by the commission in its determination of~~
 305 ~~need. A transmission line includes structures and maintenance~~
 306 ~~and access roads that need to be constructed for the project to~~
 307 ~~become operational.~~ The transmission line may include, at the
 308 applicant's option, any proposed terminal or intermediate
 309 substations or substation expansions necessary to serve the
 310 transmission line.

311 (22) "Transmission line right-of-way" means land necessary
 312 for the construction and maintenance of a transmission line. The
 313 typical width of the right-of-way shall be identified in the
 314 application. The right-of-way shall be located within the
 315 certified corridor and shall be identified by the applicant
 316 ~~subsequent to certification~~ in documents filed with the
 317 department prior to construction.

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

321 Section 4. Section 403.523, Florida Statutes, is amended
 322 to read:

323 403.523 Department of Environmental Protection; powers and
 324 duties.--The department shall have the following powers and
 325 duties:

326 (1) To adopt procedural rules pursuant to ss. 120.536(1)
 327 and 120.54 to implement the provisions of this act and to adopt
 328 or amend rules to implement the provisions of subsection (10).

329 (2) To prescribe the form and content of the public
 330 notices and the form, content, and necessary supporting
 331 documentation, and any required studies, for certification
 332 applications. All such data and studies shall be related to the
 333 jurisdiction of the agencies relevant to the application.

334 (3) To receive applications for transmission line and
 335 corridor certifications and initially determine the completeness
 336 ~~and sufficiency~~ thereof.

337 (4) To make or contract for studies of certification
 338 applications. All such studies shall be related to the
 339 jurisdiction of the agencies relevant to the application. For
 340 studies in areas outside the jurisdiction of the department and
 341 in the jurisdiction of another agency, the department may
 342 initiate such studies, but only with the consent of such agency.

343 (5) To administer the processing of applications for
 344 certification and ensure that the applications are processed as
 345 expeditiously as possible.

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346 (6) To collect and process ~~require~~ such fees as allowed by
 347 this act.

348 (7) To prepare a report and a project impact ~~written~~
 349 analysis as required by s. 403.526.

350 (8) To prescribe the means for monitoring the effects
 351 arising from the location of the transmission line corridor and
 352 the construction and maintenance of the transmission lines to
 353 assure continued compliance with the terms of the certification.

354 (9) To make a determination of acceptability of any
 355 alternate corridor proposed for consideration pursuant to s.
 356 403.5271.

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

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

362 (12) To administer and manage the terms and conditions of
 363 the certification order and supporting documents and records for
 364 the life of the facility.

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

367 Section 5. Section 403.524, Florida Statutes, is amended
 368 to read:

369 403.524 Applicability; ~~and~~ certification; exemptions.--

370 (1) The provisions of this act apply to each transmission
 371 line as defined herein, except a transmission line certified
 372 pursuant to the Florida Electrical Power Plant Siting Act. In
 373 the application, the starting point and ending point of a
 374 transmission line must be specifically defined by the applicant

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375 and must be verified by the commission in its determination of
 376 need.

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

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

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

388 (c) Transmission line development in which all
 389 construction is limited to established rights-of-way.
 390 Established rights-of-way include ~~such~~ rights-of-way for which
 391 all necessary property interests are acquired or that are
 392 created by state or local government entities to be used for
 393 roads, highways, railroads, gas, water, oil, electricity, or
 394 sewage and any other public purpose rights-of-way. For
 395 transmission line rights-of-way, established rights-of-way must
 396 have been created at least 5 years prior to the start of
 397 construction of the proposed transmission line. ~~Except for~~
 398 ~~transmission line rights-of-way, established rights-of-way~~
 399 ~~include rights-of-way created before or after October 1, 1983.~~
 400 ~~For transmission line rights-of-way, established rights-of-way~~
 401 ~~include rights-of-way created before October 1, 1983.~~

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

405 (3) The exemption of a transmission line under this act
 406 does not constitute an exemption for the transmission line from
 407 other applicable permitting processes under other provisions of
 408 law or local government ordinances.

409 (4) A utility shall notify the department in writing,
 410 prior to the start of construction, of the electric utility's
 411 ~~its~~ intent to construct a transmission line exempted pursuant to
 412 this section. Such notice shall be only for information
 413 purposes, and no action by the department shall be required
 414 pursuant to such notice. Notice may be included in any
 415 demonstration filed with the department prior to the start of
 416 construction that a new transmission line complies with the
 417 applicable electric and magnetic field standards.

418 Section 6. Section 403.525, Florida Statutes, is amended
 419 to read:

420 403.525 Administrative law judge; appointment; powers and
 421 duties of administrative law judge.--

422 (1) Within 7 days after receipt of an application, whether
 423 complete or not, the department shall request the Division of
 424 Administrative Hearings to designate an administrative law judge
 425 to conduct the hearings required by this act. The division
 426 director shall designate an administrative law judge to conduct
 427 the hearings required by this act within 7 days after receipt of
 428 the request from the department. Whenever practicable, the
 429 division director shall assign an administrative law judge who
 430 has had prior experience or training in this type of

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431 certification proceeding. Upon being advised that an
 432 administrative law judge has been designated, the department
 433 shall immediately file a copy of the application and all
 434 supporting documents with the administrative law judge, who
 435 shall docket the application.

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

439 Section 7. Section 403.5251, Florida Statutes, is amended
 440 to read:

441 403.5251 Distribution of application; schedules.--

442 (1) The formal date of certification application filing
 443 and commencement of the certification review process shall be
 444 the date on which the applicant has submitted to the department
 445 copies of the certification application in a quantity identified
 446 by rule and the certification application fee specified under s.
 447 403.5365. One copy of the application shall be submitted in
 448 electronic format.

449 (2) Within 7 days after the filing of an application, the
 450 department shall provide the applicant and the Division of
 451 Administrative Hearings the names and addresses of those
 452 affected or other agencies entitled to notice and copies of the
 453 application and any amendments.

454 (3)(2) Within 15 7 days after the formal date of the
 455 application filing ~~completeness has been determined~~, the
 456 department shall prepare a proposed schedule of dates for
 457 determination of completeness, submission of statements of
 458 issues, ~~determination of sufficiency, and~~ submittal of final
 459 reports, ~~from affected and other agencies~~ and other significant

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460 dates to be followed during the certification process, including
 461 dates for filing notices of appearances to be a party pursuant
 462 to s. 403.527(3)~~(4)~~. This schedule shall be provided by the
 463 department to the applicant, the administrative law judge, and
 464 the agencies identified pursuant to subsection (2) ~~(1)~~.

465 (4)~~(3)~~ Within 15 7 days after the filing of the
 466 application completeness has been determined, the applicant
 467 shall distribute copies of the application to all agencies
 468 identified by the department pursuant to subsection (2) ~~(1)~~. The
 469 applicant shall file a notice that the application has been
 470 distributed to the administrative law judge and the department.
 471 The formal date of the distribution of the application shall be
 472 the date on which such notice is filed. Copies of changes and
 473 amendments to the application shall be timely distributed by the
 474 applicant to all agencies and parties who have received a copy
 475 of the application.

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

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

481 403.5252 Determination of completeness.--

482 (1)(a) The department shall consult with the affected
 483 agencies and may include their recommendations on the
 484 completeness of the application. Such agencies shall submit to
 485 the department recommendations on the completeness of the
 486 application within 30 days after the distribution of the
 487 application.

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488 (b) Within ~~45~~ 15 days after distribution receipt of an
 489 application, the department shall file a statement with the
 490 Division of Administrative Hearings, ~~and~~ with the applicant, and
 491 with all parties declaring its position with regard to the
 492 completeness, ~~not the sufficiency,~~ of the application.

493 ~~(2)(1)~~ If the department declares the application to be
 494 incomplete, the applicant, within 15 days after the filing of
 495 the statement by the department, shall file with the Division of
 496 Administrative Hearings, ~~and~~ with the department, and with all
 497 parties a statement:

498 (a) Agreeing with the statement of the department and
 499 withdrawing the application;

500 (b) Agreeing with the statement of the department and
 501 agreeing to render amend the application complete without
 502 withdrawing it by filing additional information necessary to
 503 make the application complete. The time schedules shall be
 504 tolled as of the date of the determination that the application
 505 is not complete, referencing a complete application under this
 506 ~~act shall not commence~~ until the application is determined
 507 complete; ~~or~~

508 (c) Notifying the department that the information will not
 509 be supplied, in which case the application shall be processed as
 510 filed; or

511 (d)(e) Contesting the statement of the department.

512 ~~(3)(a)(2)~~ If the applicant contests the determination by
 513 the department that an application is incomplete, the
 514 administrative law judge shall schedule a hearing on the
 515 statement of completeness. The hearing shall be held as
 516 expeditiously as possible, but not later than 30 days after the

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517 filing of the statement by the department. The administrative
 518 law judge shall render a decision within 10 days after the
 519 hearing.

520 (b) Parties to a hearing on the issue of completeness
 521 shall include the applicant, the department, and any agency that
 522 has jurisdiction over the matter in dispute. Any substantially
 523 affected person who wishes to become a party to the completeness
 524 hearing shall file a motion no later than 10 days prior to the
 525 date of the hearing.

526 (c)(a) If the administrative law judge determines that the
 527 application was not complete ~~as filed~~, the applicant shall
 528 withdraw the application or make such additional submittals as
 529 necessary to complete it. The time schedules referencing a
 530 complete application under this act shall not commence until the
 531 application is determined complete.

532 (d)(b) If the administrative law judge determines that the
 533 application was complete at the time it was declared incomplete
 534 ~~filed~~, the time schedules referencing a complete application
 535 under this act shall commence upon such determination.

536 Section 9. Section 403.5253, Florida Statutes, is
 537 repealed.

538 Section 10. Section 403.526, Florida Statutes, is amended
 539 to read:

540 403.526 Preliminary statements of issues, reports, project
 541 impact analyses, and studies.--

542 (1) Each affected agency which received an application in
 543 accordance with s. 403.5251(4)~~(3)~~ shall submit a preliminary
 544 statement of issues to the department and all parties the
 545 ~~applicant~~ no later than 15 ~~60~~ days after the certification

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546 application has been determined to be complete ~~distribution of~~
 547 ~~the complete application~~. Such statements of issues shall be
 548 made available to each local government for use as information
 549 for public meetings pursuant to s. 403.5272. The failure to
 550 raise an issue in this preliminary statement of issues shall not
 551 preclude the issue from being raised in the agency's report.

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

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

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

564 3. The Department of Community Affairs shall prepare a
 565 report containing recommendations which address the impact upon
 566 the public of the proposed transmission line or corridor, based
 567 on the degree to which the proposed transmission line or
 568 corridor is consistent with the applicable portions of the state
 569 comprehensive plan, emergency management, and other matters
 570 within its jurisdiction. The Department of Community Affairs may
 571 also comment on the consistency of the proposed transmission
 572 line or corridor with applicable strategic regional policy plans
 573 or local comprehensive plans and land development regulations.

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

578 5. Each local government shall prepare a report as to the
 579 impact of each proposed transmission line or corridor on matters
 580 within its jurisdiction, including the consistency of the
 581 proposed transmission line or corridor with all applicable local
 582 ordinances, regulations, standards, or criteria that apply to
 583 the proposed transmission line or corridor, including local
 584 comprehensive plans, zoning regulations, land development
 585 regulations, and any applicable local environmental regulations
 586 adopted pursuant to s. 403.182 or by other means. No change by
 587 the responsible local government or local agency in local
 588 comprehensive plans, zoning ordinances, or other regulations
 589 made after the date required for the filing of the local
 590 government's report required by this section shall be applicable
 591 to the certification of the proposed transmission line or
 592 corridor unless the certification is denied or the application
 593 is withdrawn.

594 6. Each regional planning council shall present a report
 595 containing recommendations that address the impact upon the
 596 public of the proposed transmission line or corridor based on
 597 the degree to which the transmission line or corridor is
 598 consistent with the applicable provisions of the strategic
 599 regional policy plan adopted pursuant to chapter 186 and other
 600 impacts of each proposed transmission line or corridor on
 601 matters within its jurisdiction.

602 7. The Department of Transportation shall prepare a report

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603 as to the impact of the proposed transmission line or corridor
 604 on roads, railroads, airports, aeronautics, seaports, and other
 605 matters within its jurisdiction.

606 8. Any other agency within the jurisdiction of which the
 607 proposed transmission line and corridor would be located may
 608 prepare a report addressing the impact of the proposed
 609 transmission line or corridor on matters within that agency's
 610 jurisdiction.

611 (b) Each report shall contain:

612 1. A notice of any nonprocedural requirements not
 613 specifically listed in the application from which a variance,
 614 exemption, exception, or other relief is necessary in order for
 615 the board to certify any corridor proposed for certification.
 616 Failure of such notification shall be treated as a waiver from
 617 the nonprocedural requirements of that agency.

618 2. A recommendation for approval or denial of the
 619 application.

620 3. ~~the information on variances required by s. 403.531(2)~~
 621 and Proposed conditions of certification on matters within the
 622 jurisdiction of each agency. For each condition proposed by an
 623 agency, the agency shall list the specific statute, rule, or
 624 ordinance, as applicable, which authorizes the proposed
 625 condition.

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

631 (d) Receipt of an affirmative determination of need by the

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632 submittal deadline for agency reports under paragraph (a) shall
 633 be a condition precedent to further processing of the
 634 application.

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

642 (a) The studies and reports required by this section and
 643 s. 403.537.

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

645 (c) The recommendation of the department as to the
 646 disposition of the application, of variances, exemptions,
 647 exceptions, or other relief identified by any party, and of any
 648 proposed conditions of certification which the department
 649 believes should be imposed.

650 (4) The failure of any agency to submit a preliminary
 651 statement of issues or a report, or to submit its preliminary
 652 statement of issues or report within the allowed time, shall not
 653 be grounds for the alteration of any time limitation in this act
 654 pursuant to s. 403.528. Neither the failure to submit a
 655 preliminary statement of issues or a report nor the inadequacy
 656 of the preliminary statement of issues or report shall be
 657 grounds to deny or condition certification.

658 Section 11. Section 403.527, Florida Statutes, is amended
 659 to read:

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660 403.527 Certification hearing; Notice, proceedings,
661 parties, participants.--

662 ~~(1)(a) No later than 15 days after an application has been~~
663 ~~determined complete, the applicant shall arrange for publication~~
664 ~~of a notice of the application and of the proceedings required~~
665 ~~by this act. Such notice shall give notice of the provisions of~~
666 ~~s. 403.531(1) and (2).~~

667 ~~(b) The applicant shall arrange for publication of a~~
668 ~~notice of the certification hearing and other public hearings~~
669 ~~provided for in this section and notice of the deadline for~~
670 ~~filing of notice of intent to be a party. Such notices shall be~~
671 ~~published at least 80 days before the date set for the hearing.~~

672 ~~(c) The applicant shall arrange for publication of a~~
673 ~~reminder notice in the newspapers specified in paragraph (d) no~~
674 ~~more than 10 days prior to the certification hearing, reminding~~
675 ~~the public of the date and location of the hearing. This notice~~
676 ~~shall not constitute a point of entry for intervention in the~~
677 ~~proceeding.~~

678 ~~(d) Notices to be published by the applicant shall be~~
679 ~~published in newspapers of general circulation within counties~~
680 ~~crossed by the transmission line corridors proper for~~
681 ~~certification. The required newspaper notices, other than the~~
682 ~~reminder notice, shall be one-half page in size in a standard~~
683 ~~size newspaper or a full page in a tabloid size newspaper and~~
684 ~~published in a section of the newspaper other than the legal~~
685 ~~notices section. These notices shall include a map generally~~
686 ~~depicting all transmission corridors proper for certification. A~~
687 ~~newspaper of general circulation shall be the newspaper within a~~
688 ~~county crossed by a transmission line corridor proper for~~

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689 ~~certification which newspaper has the largest daily circulation~~
 690 ~~in that county and has its principal office in that county. If~~
 691 ~~the newspaper with the largest daily circulation has its~~
 692 ~~principal office outside the county, then the notices shall~~
 693 ~~appear in both the newspaper having the largest circulation in~~
 694 ~~that county and in a newspaper authorized to publish legal~~
 695 ~~notices in that county.~~

696 ~~(c) The department shall publish in the Florida~~
 697 ~~Administrative Weekly notices of the application; of the~~
 698 ~~certification hearing; of the hearing before the board; and of~~
 699 ~~stipulations, proposed agency action, or petitions for~~
 700 ~~modification.~~

701 ~~(f) The department shall adopt rules specifying the~~
 702 ~~content of notices required by this section. All notices~~
 703 ~~published by the applicant shall be paid for by the applicant~~
 704 ~~and shall be in addition to the application fee.~~

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

711 ~~(b) One public hearing where members of the public who are~~
 712 ~~not parties to the certification hearing may testify shall be~~
 713 ~~held within the boundaries of each county, at the option of any~~
 714 ~~local government.~~

715 ~~1. The local government shall notify the administrative~~
 716 ~~law judge and all parties not later than 40 ~~50~~ days after the~~
 717 ~~application has been determined receipt of a complete~~

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718 ~~application~~ as to whether the local government wishes to have
 719 such a public hearing. The local government shall be responsible
 720 for determining the location of the public hearing.

721 2. Within 5 days after ~~of~~ such notification, the
 722 administrative law judge shall determine the date of such public
 723 hearing, which shall be held before or during the certification
 724 hearing. In the event two or more local governments within one
 725 county request such a public hearing, the hearing shall be
 726 consolidated so that only one such public hearing is held in any
 727 county. The location of a consolidated hearing shall be
 728 determined by the administrative law judge.

729 3. If a local government does not request a public hearing
 730 within 40 ~~50~~ days after the application has been determined
 731 ~~receipt of a complete application~~, persons residing within the
 732 jurisdiction of such local government may testify at the public
 733 hearing portion of the certification hearing.

734 (c) The order of presentation at the certification
 735 hearing, unless otherwise changed by the administrative law
 736 judge to ensure the orderly presentation of witnesses and
 737 evidence, shall be:

- 738 1. The applicant.
- 739 2. The department.
- 740 3. State agencies.
- 741 4. Regional agencies, including regional planning councils
 742 and water management districts.
- 743 5. Local governments.
- 744 6. Other parties.

745 (d) When appropriate, any person may be given an
 746 opportunity to present oral or written communications to the

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747 administrative law judge. If the administrative law judge
 748 proposes to consider such communications, all parties shall be
 749 given an opportunity to cross-examine, challenge, or rebut such
 750 communications.

751 (e) The applicant shall pay those expenses and costs
 752 associated with the conduct of the hearings and the recording
 753 and transcription of the proceedings.

754 (2) Notice of the certification hearing and other public
 755 hearings provided for in this section and notice of the deadline
 756 for filing of notice of intent to be a party shall be made in
 757 accordance with the requirements of s. 403.5363. Such notices
 758 shall be published at least 65 days before the date set for the
 759 certification hearing.

760 ~~(3)(a) At the conclusion of the certification hearing, the~~
 761 ~~administrative law judge shall, after consideration of all~~
 762 ~~evidence of record, issue a recommended order disposing of the~~
 763 ~~application no later than 60 days after the transcript of the~~
 764 ~~certification hearing and the public hearings is filed with the~~
 765 ~~Division of Administrative Hearings.~~

766 ~~(b) In the event the administrative law judge fails to~~
 767 ~~issue a recommended order within 60 days after the filing of the~~
 768 ~~hearing transcript, the administrative law judge shall submit a~~
 769 ~~report to the board with a copy to all parties within 60 days~~
 770 ~~after the filing of the hearing transcript to advise the board~~
 771 ~~of the reason for the delay in the issuance of the recommended~~
 772 ~~order and of the date by which the recommended order will be~~
 773 ~~issued.~~

774 (3)(4)(a) Parties to the proceeding shall be:

775 1. The applicant.

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- 776 2. The department.
- 777 3. The commission.
- 778 4. The Department of Community Affairs.
- 779 5. The Fish and Wildlife Conservation Commission.
- 780 6. The Department of Transportation.

781 ~~7.6.~~ Each water management district in the jurisdiction of
 782 which the proposed transmission line or corridor is to be
 783 located.

784 ~~8.7.~~ The local government.

785 ~~9.8.~~ The regional planning council.

786 (b) Any party listed in paragraph (a), other than the
 787 department or the applicant, may waive its right to participate
 788 in these proceedings. If any listed party fails to file a notice
 789 of its intent to be a party on or before the 30th day prior to
 790 the certification hearing, such party shall be deemed to have
 791 waived its right to be a party unless its participation would
 792 not prejudice the rights of any party to the proceeding.

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

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

802 2. Any domestic nonprofit corporation or association
 803 formed, in whole or in part, to promote conservation of natural
 804 beauty; to protect the environment, personal health, or other

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805 biological values; to preserve historical sites; to promote
 806 consumer interests; to represent labor, commercial, or
 807 industrial groups; or to promote comprehensive planning or
 808 orderly development of the area in which the proposed
 809 transmission line or corridor is to be located.

810 3. Any person whose substantial interests are affected and
 811 being determined by the proceeding.

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

815 (4)(a) At the conclusion of the certification hearing, the
 816 administrative law judge shall, after consideration of all
 817 evidence of record, issue a recommended order disposing of the
 818 application no later than 45 days after the transcript of the
 819 certification hearing and the public hearings is filed with the
 820 Division of Administrative Hearings.

821 (b) In the event the administrative law judge fails to
 822 issue a recommended order within 45 days after the filing of the
 823 hearing transcript, the administrative law judge shall submit a
 824 report to the siting board with a copy to all parties within 60
 825 days after the filing of the hearing transcript to advise the
 826 siting board of the reason for the delay in the issuance of the
 827 recommended order and of the date by which the recommended order
 828 will be issued.

829 (5)(a) No later than 25 days prior to the conduct of the
 830 certification hearing, the department or the applicant may
 831 request that the administrative law judge cancel the
 832 certification hearing and relinquish jurisdiction to the
 833 department if all parties to the proceeding stipulate that there

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834 are no disputed issues of fact to be raised at the certification
 835 hearing.

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

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

843 (d) If the administrative law judge grants the request,
 844 within 30 days after the administrative law judge's order
 845 relinquishing jurisdiction, the department shall prepare a
 846 recommended order, including proposed conditions of
 847 certification, for final action by the siting board. Parties may
 848 submit proposed recommended orders to the department no later
 849 than 10 days after the administrative law judge issues his or
 850 her order relinquishing jurisdiction.

851 ~~(5) When appropriate, any person may be given an~~
 852 ~~opportunity to present oral or written communications to the~~
 853 ~~administrative law judge. If the administrative law judge~~
 854 ~~proposes to consider such communications, all parties shall be~~
 855 ~~given an opportunity to cross-examine or challenge or rebut such~~
 856 ~~communications.~~

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

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862 ~~(7) The order of presentation at the certification~~
 863 ~~hearing, unless otherwise changed by the administrative law~~
 864 ~~judge to ensure the orderly presentation of witnesses and~~
 865 ~~evidence, shall be:~~

866 ~~(a) The applicant.~~

867 ~~(b) The department.~~

868 ~~(c) State agencies.~~

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

871 ~~(e) Local governments.~~

872 ~~(f) Other parties.~~

873 ~~(8) The applicant shall pay those expenses and costs~~
 874 ~~associated with the conduct of the hearings and the recording~~
 875 ~~and transcription of the proceedings.~~

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

878 403.5271 Alternate corridors.--

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

883 (a) A notice of any such proposed alternate corridor shall
 884 be filed with the administrative law judge, all parties, and any
 885 local governments in whose jurisdiction the alternate corridor
 886 is proposed. Such filing shall include the most recent United
 887 States Geological Survey 1:24,000 quadrangle maps specifically
 888 delineating the corridor boundaries, a description of the
 889 proposed corridor, and a statement of the reasons the proposed
 890 alternate corridor should be certified.

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891 (b)1. Within 7 days after receipt of such notice, the
 892 applicant and the department shall file with the administrative
 893 law judge and all parties a notice of acceptance or rejection of
 894 a proposed alternate corridor for consideration. If the
 895 alternate corridor is rejected either by the applicant or the
 896 department, the certification hearing and the public hearings
 897 shall be held as scheduled. If both the applicant and the
 898 department accept a proposed alternate corridor for
 899 consideration, the certification hearing and the public hearings
 900 shall be rescheduled, if necessary.

901 2. If rescheduled, the certification hearing shall be held
 902 no more than 100 ~~90~~ days after the previously scheduled
 903 certification hearing, unless additional time is needed due to
 904 the alternate corridor crossing a local government jurisdiction
 905 not previously affected, in which case the remainder of the
 906 schedule listed below shall be appropriately adjusted by the
 907 administrative law judge to allow that local government to
 908 prepare a report pursuant to s. 403.526(2)(a)5.

909 (c) Notice of the filing of the alternate, of the revised
 910 time schedules, of the deadline for newly affected persons and
 911 agencies to file notice of intent to become a party, of the
 912 rescheduled hearing date, and of the proceedings pursuant to s.
 913 403.527(1)(b) and (e) shall be published in accordance with the
 914 requirements of s. 403.5363 at least 65 days prior to the
 915 rescheduled hearing.

916 (d) Within 21 ~~25~~ days after acceptance of an alternate
 917 corridor by the department and the applicant, the party
 918 proposing an alternate corridor shall have the burden of
 919 providing all ~~additional~~ data to the agencies listed in s.

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920 403.526(2), and newly affected agencies, necessary for the
921 preparation of a supplementary report on the proposed alternate
922 corridor.

923 (e)1. Reviewing agencies shall advise the department of
924 their completeness issues no later than 12 days after the
925 submittal of the data required by paragraph (d). If the
926 ~~department determines~~ Within 15 days after receipt of such data,
927 the department shall issue a determination of completeness.

928 2. If the department determines that the ~~this additional~~
929 data required by paragraph (d) is not complete insufficient, the
930 party proposing the alternate corridor shall file such
931 additional data that corrects the incompleteness. This
932 additional data must be submitted insufficiency within 15 days
933 after the filing of the department's determination.

934 3. If ~~such~~ additional information data is determined by
935 the department within 15 days after receipt to be incomplete
936 ~~insufficient,~~ such incompleteness insufficiency of data shall be
937 deemed a withdrawal of the proposed alternate corridor. ~~The~~
938 ~~party proposing an alternate corridor shall have the burden of~~
939 ~~proof on the certifiability of the alternate corridor at the~~
940 ~~certification hearing pursuant to s. 403.529(4). Nothing in this~~
941 ~~act shall be construed as requiring the applicant or agencies~~
942 ~~not proposing the alternate corridor to submit data in support~~
943 ~~of such alternate corridor.~~

944 (f) The agencies listed in s. 403.526(2) and any newly
945 affected agencies shall file supplementary reports with the
946 applicant and department that address ~~addressing~~ the proposed
947 alternate corridors no later than 30 ~~60~~ days after the

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948 ~~additional~~ data ~~is~~ submitted pursuant to paragraph (d) ~~(e)~~ is
 949 determined to be complete.

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

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

959 (3)(a) Notwithstanding the rejection of a proposed
 960 alternate corridor by the applicant or the department, any party
 961 may present evidence at the certification hearing to show that a
 962 corridor proper for certification does not satisfy the criteria
 963 listed in s. 403.529 or that a rejected alternate corridor would
 964 meet the criteria set forth in s. 403.529. No evidence shall be
 965 admitted at the certification hearing on any alternate corridor,
 966 unless the alternate corridor was proposed by the filing of a
 967 notice at least 50 days prior to the originally scheduled
 968 certification hearing pursuant to this section. Rejected
 969 alternate corridors shall be considered by the board as provided
 970 in s. 403.529(4) and (5).

971 (b) The party proposing an alternate corridor shall have
 972 the burden of proof on the certifiability of the alternate
 973 corridor at the certification hearing pursuant to s. 403.529(4).
 974 Nothing in this act shall be construed as requiring the
 975 applicant or agencies not proposing the alternate corridor to
 976 submit data in support of such alternate corridor.

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977 Section 13. Section 403.5272, Florida Statutes, is amended
 978 to read:

979 403.5272 ~~Local governments;~~ Informational public
 980 meetings.--

981 (1) Local governments or regional planning councils may
 982 hold informational public meetings in addition to the hearings
 983 specifically authorized by this act on any matter associated
 984 with the transmission line proceeding. Such informational public
 985 meetings should be held no later than 30 ~~80~~ days after the
 986 application has been determined complete ~~is filed~~. The purpose
 987 of an informational public meeting is for the local government
 988 or regional planning council to further inform the general
 989 public about the transmission line proposed, obtain comments
 990 from the public, and formulate its recommendation with respect
 991 to the proposed transmission line.

992 (2) Informational public meetings shall be held solely at
 993 the option of each local government or regional planning
 994 council. It is the legislative intent that local governments or
 995 regional planning councils attempt to hold such public meetings.
 996 Parties to the proceedings under this act shall be encouraged to
 997 attend; however, no party other than the applicant and the
 998 department shall be required to attend such informational public
 999 hearings.

1000 (3) The failure to hold an informational public meeting or
 1001 the procedure used for the informational public meeting shall
 1002 not be grounds for the alteration of any time limitation in this
 1003 act pursuant to s. 403.528 or grounds to deny or condition
 1004 certification.

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1005 Section 14. Subsection (1) of section 403.5275, Florida
 1006 Statutes, is amended to read:

1007 403.5275 Amendment to the application.--

1008 (1) Any amendment made to the application prior to
 1009 certification shall be sent by the applicant to the
 1010 administrative law judge and to all parties to the proceeding.

1011 Section 15. Subsections (1) and (2) and paragraph (e) of
 1012 subsection (4) of section 403.529, Florida Statutes, are amended
 1013 to read:

1014 403.529 Final disposition of application.--

1015 (1) Within 30 days after receipt of the administrative law
 1016 judge's or the department's recommended order, the board shall
 1017 act upon the application by written order, approving in whole,
 1018 approving with such conditions as the board deems appropriate,
 1019 or denying the certification and stating the reasons for
 1020 issuance or denial.

1021 (2) The issues that may be raised in any hearing before
 1022 the board shall be limited to matters raised in the
 1023 certification proceeding before the administrative law judge or
 1024 raised in the administrative law judge's or department's
 1025 recommended order. All parties, or their representatives, or
 1026 persons who appear before the board shall be subject to the
 1027 provisions of s. 120.66.

1028 (4) In determining whether an application should be
 1029 approved in whole, approved with modifications or conditions, or
 1030 denied, the board shall consider whether, and the extent to
 1031 which, the location of the transmission line corridor and the
 1032 construction and maintenance of the transmission line will:

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1033 (e) Effect a reasonable balance between the need for the
 1034 transmission line as a means of providing reliable, economically
 1035 efficient electric ~~abundant low-cost electrical~~ energy and the
 1036 impact upon the public and the environment resulting from the
 1037 location of the transmission line corridor and maintenance of
 1038 the transmission lines.

1039 Section 16. Subsections (2) and (3) of section 403.531,
 1040 Florida Statutes, are amended to read:

1041 403.531 Effect of certification.--

1042 (2)(a) The certification shall authorize the licensee
 1043 ~~applicant~~ to locate the transmission line corridor and to
 1044 construct and maintain the transmission lines subject only to
 1045 the conditions of certification set forth in such certification.

1046 (b) The certification may include conditions which
 1047 constitute variances and exemptions from nonprocedural standards
 1048 or regulations of the department or any other agency, which were
 1049 expressly considered during the certification review ~~proceeding~~
 1050 unless waived by the agency as provided s. 403.526 ~~below~~ and
 1051 which otherwise would be applicable to the location of the
 1052 proposed transmission line corridor or the construction and
 1053 maintenance of the transmission lines. ~~Each party shall notify~~
 1054 ~~the applicant and other parties at the time scheduled for the~~
 1055 ~~filing of the agency reports of any nonprocedural requirements~~
 1056 ~~not specifically listed in the application from which a~~
 1057 ~~variance, exemption, exception, or other relief is necessary in~~
 1058 ~~order for the board to certify any corridor proposed for~~
 1059 ~~certification. Failure of such notification shall be treated as~~
 1060 ~~a waiver from the nonprocedural requirements of that agency.~~

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1061 (3)(a) The certification shall be in lieu of any license,
 1062 permit, certificate, or similar document required by any agency
 1063 pursuant to, but not limited to, chapter 125, chapter 161,
 1064 chapter 163, chapter 166, chapter 186, chapter 253, chapter 258,
 1065 chapter 298, chapter 370, chapter 373, chapter 376, chapter 380,
 1066 chapter 381, chapter 387, chapter 403, chapter 404, or the
 1067 Florida Transportation Code, ~~or 33 U.S.C. s. 1341.~~

1068 (b) On certification, any license, easement, or other
 1069 interest in state lands, except those the title of which is
 1070 vested in the Board of Trustees of the Internal Improvement
 1071 Trust Fund, shall be issued by the appropriate agency as a
 1072 ministerial act. The applicant shall be required to seek any
 1073 necessary interest in state lands the title to which is vested
 1074 in the Board of Trustees of the Internal Improvement Trust Fund
 1075 from the board of trustees before, during, or after the
 1076 certification proceeding, and certification may be made
 1077 contingent upon issuance of the appropriate interest in realty.
 1078 However, neither the applicant nor any party to the
 1079 certification proceeding may directly or indirectly raise or
 1080 relitigate any matter which was or could have been an issue in
 1081 the certification proceeding in any proceeding before the Board
 1082 of Trustees of the Internal Improvement Trust Fund wherein the
 1083 applicant is seeking a necessary interest in state lands, but
 1084 the information presented in the certification proceeding shall
 1085 be available for review by the board of trustees and its staff.

1086 Section 17. Section 403.5312, Florida Statutes, is amended
 1087 to read:

1088 403.5312 Filing ~~Recording~~ of notice of certified corridor
 1089 route.--

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

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1090 (1) Within 60 days after certification of a directly
 1091 associated transmission line pursuant to ss. 403.501-403.518 or
 1092 a transmission line corridor pursuant to ss. 403.52-403.5365,
 1093 the applicant shall file, in accordance with s. 28.222, with the
 1094 department and the clerk of the circuit court for each county
 1095 through which the corridor will pass, a notice of the certified
 1096 route.

1097 (2) The notice shall consist of maps or aerial photographs
 1098 in the scale of 1:24,000 which clearly show the location of the
 1099 certified route and shall state that the certification of the
 1100 corridor will result in the acquisition of rights-of-way within
 1101 the corridor. Each clerk shall record the filing in the official
 1102 record of the county for the duration of the certification or
 1103 until such time as the applicant certifies to the department and
 1104 the clerk that all lands required for the transmission line
 1105 rights-of-way within the corridor have been acquired within such
 1106 county, whichever is sooner.

1107 (3) The recording of this notice shall not constitute a
 1108 lien, cloud, or encumbrance on real property.

1109 Section 18. Section 403.5317, Florida Statutes, is created
 1110 to read:

1111 403.5317 Postcertification amendments.--

1112 (1) If, subsequent to certification by the board, a
 1113 licensee proposes any material change to the application, and
 1114 revisions or amendments thereto, as certified, the licensee
 1115 shall submit to the department a written request for amendment
 1116 and description of the proposed change to the application. The
 1117 department shall, within 30 days after the receipt of the
 1118 request for the amendment, determine whether the proposed change

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1119 to the application requires a modification of the conditions of
 1120 certification.

1121 (2) If the department concludes that the change would not
 1122 require a modification of the conditions of certification, the
 1123 department shall notify, in writing, the licensee, all agencies,
 1124 and all parties of the approval of the proposed amendment.

1125 (3) If the department concludes that the change would
 1126 require a modification of the conditions of certification, the
 1127 department shall notify the licensee that the proposed change to
 1128 the application requires a request for modification pursuant to
 1129 s. 403.5315.

1130 Section 19. Section 403.5363, Florida Statutes, is created
 1131 to read:

1132 403.5363 Public notices, requirements.--

1133 (1)(a) The applicant shall arrange for the publication of
 1134 the following notices. Such notices shall be published in
 1135 newspapers of general circulation within counties crossed by the
 1136 transmission line corridors proper for certification:

1137 1. Notice of the submittal of the application, which shall
 1138 include a description of the proceedings required by this act.
 1139 Such notice shall give notice of the provisions of s. 403.531(1)
 1140 and (2) and the notice of the deadline for filing of notice of
 1141 intent to be a party.

1142 2. Notice of the certification hearing.

1143 3. Notice of the cancellation of the certification
 1144 hearing, if applicable.

1145 4. Notice of filing of a modification proposal submitted
 1146 pursuant to s. 403.5315, if the department determines that the
 1147 modification would require relocation or expansion of the

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1148 transmission line right-of-way or a certified substation.

1149 (b) The proponent of an alternate corridor shall arrange
 1150 for the publication of the filing of the alternate, of the
 1151 revised time schedules, of the deadline for newly affected
 1152 persons and agencies to file notice of intent to become a party,
 1153 and of the rescheduled hearing dates. Such notices shall be
 1154 published in newspapers of general circulation within counties
 1155 crossed by the proposed alternate corridor.

1156 (c) The department shall arrange for publication of the
 1157 following notices in the manner specified by chapter 120:

- 1158 1. Notice of the submittal of the application and the
 1159 deadline to become a party.
- 1160 2. Notice of any administrative hearings on certification.
- 1161 3. Notice of the cancellation of the certification
 1162 hearings, if applicable.
- 1163 4. Notice of the hearing before the siting board.
- 1164 5. Notice of stipulations, proposed agency action, or
 1165 petitions for modification.

1166 (2) The department shall adopt rules specifying the
 1167 content of notices required by this section. All notices
 1168 published by the applicant shall be paid for by the applicant
 1169 and shall be in addition to the application fee.

1170 Section 20. Section 403.5365, Florida Statutes, is amended
 1171 to read:

1172 403.5365 Fees; disposition.--The department shall charge
 1173 the applicant the following fees, as appropriate, which, unless
 1174 otherwise specified, shall be paid into the Florida Permit Fee
 1175 Trust Fund:

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1176 (1) An application fee of \$150,000 ~~\$100,000~~, plus \$750 per
 1177 mile for each mile of corridor in which the transmission line
 1178 right-of-way is proposed to be located within an existing
 1179 electric ~~electrical~~ transmission line right-of-way or within any
 1180 existing right-of-way for any road, highway, railroad, or other
 1181 aboveground linear facility, or \$1,000 per mile for each mile of
 1182 electric transmission line corridor proposed to be located
 1183 outside such existing right-of-way.

1184 (a) Fifty ~~Sixty~~ percent of the fee shall go to the
 1185 department to cover any costs associated with coordinating the
 1186 review of ~~reviewing and acting upon~~ the application and any
 1187 costs for ~~field~~ services associated with monitoring construction
 1188 and operation of the electric transmission line facility.

1189 (b) The following sums ~~Twenty percent of the fees~~
 1190 ~~specified under this section, except postcertification fees,~~
 1191 shall be transferred to the Administrative Trust Fund of the
 1192 Division of Administrative Hearings of the Department of
 1193 Management Services:

1194 1. Five percent to compensate for expenses from the
 1195 initial exercise of duties associated with the filing of an
 1196 application.

1197 2. An additional 10 percent if an administrative hearing
 1198 pursuant to s. 403.527 is held.

1199 (c) Upon written request with proper itemized accounting
 1200 within 90 days after final agency action by the board or
 1201 withdrawal of the application, the agencies that prepared
 1202 reports pursuant to s. 403.526 or s. 403.5271 or participated in
 1203 a hearing pursuant to s. 403.527 or s. 403.5271 may submit a
 1204 written request to the department for reimbursement of expenses

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1205 incurred during the certification proceedings. The request shall
 1206 contain an accounting of expenses incurred, which may include
 1207 time spent reviewing the application, department shall reimburse
 1208 ~~the expenses and costs of the Department of Community Affairs,~~
 1209 ~~the Fish and Wildlife Conservation Commission, the water~~
 1210 ~~management district, regional planning council, and local~~
 1211 ~~government in the jurisdiction of which the transmission line is~~
 1212 ~~to be located. Such reimbursement shall be authorized for the~~
 1213 ~~preparation of any studies required of the agencies by this act,~~
 1214 ~~and for agency travel and per diem to attend any hearing held~~
 1215 ~~pursuant to this act, and for the local~~ government's or regional
 1216 planning council's provision of additional notice of the
 1217 informational public meetings ~~government to participate in the~~
 1218 ~~proceedings. The department shall review the request and verify~~
 1219 that the expenses are valid. Valid expenses shall be reimbursed;
 1220 however, in the event the amount of funds available for
 1221 reimbursement allocation ~~is insufficient to provide for full~~
 1222 compensation ~~complete reimbursement~~ to the agencies requesting
 1223 reimbursement, reimbursement shall be on a prorated basis.

1224 (d) If any sums are remaining, the department shall retain
 1225 them for its use in the same manner as is otherwise authorized
 1226 by this section; ~~provided, however, that~~ if the certification
 1227 application is withdrawn prior to the initial determination on
 1228 completeness, one-half of the application fee ~~the remaining sums~~
 1229 ~~shall be refunded to the applicant within 90 days after~~
 1230 ~~withdrawal.~~

1231 (2) An amendment fee.

1232 (a) If no corridor alignment change is proposed by the
 1233 amendment, no amendment fee shall be charged.

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1234 (b) If a corridor alignment change pursuant to s.
 1235 403.5275(2) is proposed by the applicant, an additional fee of a
 1236 minimum of \$2,000 and \$750 per mile shall be submitted to the
 1237 department for use in accordance with this act.

1238 (c) If an amendment is required to address issues,
 1239 including alternate corridors pursuant to s. 403.5271, raised by
 1240 the department or other parties, no fee for such amendment shall
 1241 be charged.

1242 (3) A certification modification fee.

1243 (a) If no corridor alignment change is proposed by the
 1244 licensee ~~applicant~~, the modification fee shall be \$4,000.

1245 (b) If a corridor alignment change is proposed by the
 1246 licensee ~~applicant~~, the fee shall be \$1,000 for each mile of
 1247 realignment plus an amount not to exceed \$10,000 to be fixed by
 1248 rule on a sliding scale based on the load-carrying capability
 1249 and configuration of the transmission line for use in accordance
 1250 with subsection (2).

1251 Section 21. Section 403.5369, Florida Statutes, is
 1252 repealed.

1253 Section 22. Paragraphs (a) and (c) of subsection (1) of
 1254 section 403.537, Florida Statutes, are amended to read:

1255 403.537 Determination of need for transmission line;
 1256 powers and duties.--

1257 (1)(a) Upon request by an applicant or upon its own
 1258 motion, the Florida Public Service Commission shall schedule a
 1259 public hearing, after notice, to determine the need for a
 1260 transmission line regulated by the Florida Electric Transmission
 1261 Line Siting Act, ss. 403.52-403.5365. Such notice shall be
 1262 published at least 21 ~~45~~ days before the date set for the

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1263 hearing and shall be published in at least one-quarter page size
 1264 notice in newspapers of general circulation, in the Florida
 1265 Administrative Weekly, by giving notice to counties and regional
 1266 planning councils in whose jurisdiction the transmission line
 1267 could be placed, and by giving notice to any persons who have
 1268 requested to be placed on the mailing list of the commission for
 1269 this purpose. Within 21 days after receipt of a request for
 1270 determination by an applicant, the commission shall set a date
 1271 for the hearing. The hearing shall be held pursuant to s. 350.01
 1272 within 45 days after the filing of the request, and a decision
 1273 shall be rendered within 60 days after such filing.

1274 (c) The determination by the commission of the need for
 1275 the transmission line, as defined in s. 403.522(21), is binding
 1276 on all parties to any certification proceeding pursuant to the
 1277 Florida Electric Transmission Line Siting Act and is a condition
 1278 precedent to the conduct of the certification hearing prescribed
 1279 therein. An order entered pursuant to this section constitutes
 1280 final agency action.

1281 Section 23. Subsection (3) of section 373.441, Florida
 1282 Statutes, is amended to read:

1283 373.441 Role of counties, municipalities, and local
 1284 pollution control programs in permit processing.--

1285 (3) The department shall review environmental resource
 1286 permit applications for electrical distribution and transmission
 1287 lines and other facilities related to the production,
 1288 transmission, and distribution of electricity which are not
 1289 certified under ss. 403.52-403.5365, the Florida Electric
 1290 Transmission Line Siting Act, regulated under this part.

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1291 Section 24. Subsection (30) of section 403.061, Florida
 1292 Statutes, is amended to read:

1293 403.061 Department; powers and duties.--The department
 1294 shall have the power and the duty to control and prohibit
 1295 pollution of air and water in accordance with the law and rules
 1296 adopted and promulgated by it and, for this purpose, to:

1297 (30) Establish requirements by rule that reasonably
 1298 protect the public health and welfare from electric and magnetic
 1299 fields associated with existing 230 kV or greater electrical
 1300 transmission lines, new 230 kV and greater electrical
 1301 transmission lines for which an application for certification
 1302 under the Florida Electric Transmission Line Siting Act, ss.
 1303 403.52-403.5365, is not filed, new or existing electrical
 1304 transmission or distribution lines with voltage less than 230
 1305 kV, and substation facilities. Notwithstanding any other
 1306 provision in this chapter or any other law of this state or
 1307 political subdivision thereof, the department shall have
 1308 exclusive jurisdiction in the regulation of electric and
 1309 magnetic fields associated with all electrical transmission and
 1310 distribution lines and substation facilities. However, nothing
 1311 herein shall be construed as superseding or repealing the
 1312 provisions of s. 403.523(1) and (10).

1313
 1314 The department shall implement such programs in conjunction with
 1315 its other powers and duties and shall place special emphasis on
 1316 reducing and eliminating contamination that presents a threat to
 1317 humans, animals or plants, or to the environment.

1318 Section 25. Paragraph (a) of subsection (3) of section
 1319 403.0876, Florida Statutes, is amended to read:

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1320 403.0876 Permits; processing.--
 1321 (3)(a) The department shall establish a special unit for
 1322 permit coordination and processing to provide expeditious
 1323 processing of department permits which the district offices are
 1324 unable to process expeditiously and to provide accelerated
 1325 processing of certain permits or renewals for economic and
 1326 operating stability. The ability of the department to process
 1327 applications pursuant to this subsection in a more timely manner
 1328 than allowed by subsections (1) and (2) is dependent upon the
 1329 timely exchange of information between the applicant and the
 1330 department and the intervention of outside parties as allowed by
 1331 law. An applicant may request the processing of its permit
 1332 application by the special unit if the application is from an
 1333 area of high unemployment or low per capita income, is from a
 1334 business or industry that is the primary employer within an
 1335 area's labor market, or is in an industry with respect to which
 1336 the complexities involved in the review of the application
 1337 require special skills uniquely available in the headquarters
 1338 office. The department may require the applicant to waive the
 1339 90-day time limitation for department issuance or denial of the
 1340 permit once for a period not to exceed 90 days. The department
 1341 may require a special fee to cover the direct cost of processing
 1342 special applications in addition to normal permit fees and
 1343 costs. The special fee may not exceed \$10,000 per permit
 1344 required. Applications for renewal permits, but not applications
 1345 for initial permits, required for facilities pursuant to the
 1346 Electrical Power Plant Siting Act or the Florida Electric
 1347 Transmission Line Siting Act may be processed under this

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1348 subsection. Personnel staffing the special unit shall have
 1349 lengthy experience in permit processing.

1350 Section 26. Paragraph (b) of subsection (3) of section
 1351 403.809, Florida Statutes, is amended to read:

1352 403.809 Environmental districts; establishment; managers;
 1353 functions.--

1354 (3)

1355 (b) The processing of all applications for permits,
 1356 licenses, certificates, and exemptions shall be accomplished at
 1357 the district center or the branch office, except for those
 1358 applications specifically assigned elsewhere in the department
 1359 under s. 403.805 or to the water management districts under s.
 1360 403.812 and those applications assigned by interagency agreement
 1361 as provided in this act. However, the secretary, as head of the
 1362 department, may not delegate to district or subdistrict
 1363 managers, water management districts, or any unit of local
 1364 government the authority to act on the following types of permit
 1365 applications:

1366 1. Permits issued under s. 403.0885, except such permit
 1367 issuance may be delegated to district managers.

1368 2. Construction of major air pollution sources.

1369 3. Certifications under the Florida Electrical Power Plant
 1370 Siting Act or the Florida Electric Transmission Line Siting Act
 1371 and the associated permit issued under s. 403.0885, if
 1372 applicable.

1373 4. Permits issued under s. 403.0885 to steam electric
 1374 generating facilities regulated pursuant to 40 C.F.R. part 423.

1375 5. Permits issued under s. 378.901.

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1376 Section 27. This act shall take effect upon becoming a
1377 law.